

JOURNAL
OF THE
SENATE
OF THE
2007 GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA
FIRST SESSION
2007
VOLUME 1

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OF
THE SENATE OF THE NORTH CAROLINA
GENERAL ASSEMBLY
2007 SESSION**

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 48 TOM APODACA (R).....Hendersonville
 49 MARTIN L. NESBITT, JR. (D).....Asheville
 50 JOHN J. SNOW, JR. (D).....Murphy

* Deceased January 8, 2007

*** Deceased March 9, 2007

** Appointed January 24, 2007

**** Appointed April 17, 2007



SENATE JOURNAL

2007 SESSION

FIRST DAY

Senate Chamber
Wednesday, January 24, 2007

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

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

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

The President recognizes the Sergeant-at-Arms of the 2005 Session of the General Assembly who announces the presence of the members of the Judiciary and the Secretary of State at the doors of the Senate. The President directs the Sergeant-at-Arms to open the doors of the Senate and to escort the members of the Judiciary and the Secretary of State to their seats.

The Chair directs the Sergeant-at-Arms of the 2005 Session of the General Assembly to open the doors of the Senate and to escort Anna Eschbach of Appalachian State University, Boone, North Carolina to the Well of the Senate.

The President introduces Minister Velma M. Holloman, wife of the late Senator Robert L. Holloman, who offers prayer as follows:

"Eternal God our Father, we come in the precious name of your son, Jesus. Father, we come in the midst of heavy hearts, broken hearts, in this General Assembly. Father, we come to recognize the lives of two great men who you have called from labor to reward. We thank you that you allowed their lives to cross our paths. But, Father, we come into the Senate Chamber this morning in the absence of our dear loved one, Senator Robert L. Holloman. Father, we thank you, for he was a giant of a man. We thank you for his integrity. We thank you for his dignity. We thank you for his love. We thank you for his memories that we shall keep and cherish and for his legacy that shall go forth. Father, we thank you for the entire General Assembly. Father, we pray for our Lieutenant Governor. We pray for the Senate *Pro Tempore* and we pray for each of our

Senators. Father, we are asking that every decision that is made, every law, every committee meeting, Father, that they will never forget you. They will never forget their purpose for being here and that they will not lose focus and that they will always seek you in every decision that they make and that they will remember the lives that they touch. For that we want to say thank you. Father, we thank you for the staff, we thank you for the administrators, we thank you for everyone who shall take part in the carrying out of the laws of this great State of North Carolina. Father, now cover them in your blood and let the blood of Jesus reign in Raleigh, North Carolina, our State Capital. Father, keep them in perfect peace with their mind continuing to stay on you as they carry about the business. Father, we pray for them, for their health, good health. We pray for their families. We pray, God, that you will just keep them and hold them together, that this will be an awesome year in Jesus' name. Father, we thank you for your love that continues to abide over us, that keeps us and sustains us. Father, now we ask that the Holy Spirit will continue to rule and to reign. Bless and we shall be blessed in the State of North Carolina. Keep us and we shall be kept. In Jesus name we do pray and we all say hallelujah. Amen.

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 Western Alamance High School Navy Junior ROTC from Elon, North Carolina. (*See Appendix.*)

PLEDGE OF ALLEGIANCE

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

NATIONAL ANTHEM

The President recognizes Anna Eschbach, a student at Appalachian State University, Boone, North Carolina, who sings the National Anthem.

The Chair extends privileges of the floor to Dr. Darlyne Menscer from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Tammy Strickland from Knightdale, North Carolina, who is serving the Senate as Nurse of the Day.

CALL OF THE ROLL

The Chair directs the Reading Clerk of the 2005 Session to call the roll by Senatorial District, and the following Senators-elect appear with the proper certificate of election received from the Secretary of State, Elaine F. Marshall:

January 24, 2007

THE 2007 NORTH CAROLINA SENATE

I Elaine F. Marshall, Secretary of State of the State of North Carolina, do hereby certify that the State Board of Elections met Tuesday, the 28th day of November, A.D., 2006, in accordance with Chapter 163 of the General Statutes of North Carolina, at which time the Board did open, canvass and judicially determine the returns of votes cast in the election held on Tuesday, November 7, 2006, and certified to me the persons duly elected as members of the Senate from the various Senate Districts comprising of more than one county, and all others have been certified to me in the abstracts by the State Board of Elections as having the highest number of votes cast in the election for the Senate from districts composed of one county only, for the General Assembly of 2007, to wit:

DISTRICT	NAME
First District	Marc Basnight
Second District	Jean Preston
Third District	Clark Jenkins
Fourth District	
Fifth District	John H. Kerr III
Sixth District	Harry Brown
Seventh District	Doug Berger
Eighth District	R. C. Soles, Jr.
Ninth District	Julia Boseman
Tenth District	Charles W. (Charlie) Albertson
Eleventh District	A. B. Swindell
Twelfth District	Fred Smith
Thirteenth District	David F. Weinstein
Fourteenth District	Vernon Malone
Fifteenth District	Neal Hunt
Sixteenth District	Janet Cowell
Seventeenth District	Richard Stevens
Eighteenth District	Robert (Bob) Atwater
Nineteenth District	Tony Rand
Twentieth District	Jeanne H. Lucas
Twenty-first District	Larry Shaw
Twenty-second District	Harris Blake
Twenty-third District	Ellie Kinnaird
Twenty-fourth District	Tony Foriest
Twenty-fifth District	William R. (Bill) Purcell
Twenty-sixth District	Philip E. (Phil) Berger
Twenty-seventh District	Kay Hagan
Twenty-eighth District	Katie G. Dorsett
Twenty-ninth District	Jerry W. Tillman
Thirtieth District	Don W. East
Thirty-first District	Peter Samuel (Pete) Brunstetter
Thirty-second District	Linda Garrou
Thirty-third District	Stan Bingham

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Thirty-fourth District	Andrew C. Brock
Thirty-fifth District	W. Edward (Eddie) Goodall, Jr.
Thirty-sixth District	Fletcher L. Hartsell, Jr.
Thirty-seventh District	Daniel G. (Dan) Clodfelter
Thirty-eighth District	Charlie Dannelly
Thirty-ninth District	Robert Pittenger
Fortieth District	Malcolm Graham
Forty-first District	James (Jim) Forrester
Forty-second District	Austin M. Allran
Forty-third District	David W. Hoyle
Forty-fourth District	Jim Jacumin
Forty-fifth District	Steve Goss
Forty-sixth District	Walter H. Dalton
Forty-seventh District	Joe Sam Queen
Forty-eighth District	Tom Apodaca
Forty-ninth District	Martin L. Nesbitt, Jr.
Fiftieth District	John Snow, Jr.

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

DONE IN OFFICE at Raleigh, this 17th day of January, 2007.

(SEAL) S/Elaine F. Marshall
Secretary of State

Senator Jeanne H. Lucas, District 20, was not present and Senate District 4 is vacant on the list from the Secretary of State due to the death of Senator Robert L. Holloman.

PROCLAMATION FROM THE GOVERNOR

The Chair instructs the Reading Clerk to read the Proclamation issued by Governor Michael F. Easley, on January 24, 2007, as follows:

THE APPOINTMENT OF EDWARD WALTER JONES

2007-2008

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable Robert Holloman, elected Senator from the Fourth Senatorial District of the 2007-2008 General Assembly, has died in office; and

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WHEREAS, the provisions of General Statute § 163-11 require that the vacancy created by the death of the Honorable Robert Holloman be filled by appointment of the person recommended by the Fourth Senatorial District Committee of the Democratic Party of North Carolina; and

WHEREAS, the Fourth Senatorial District Committee of the Democratic Party of North Carolina has notified me of its recommendation of Edward Walter Jones of Halifax County, North Carolina, to fill the unexpired term,

I do by these presents appoint

EDWARD WALTER JONES

as a member of the

SENATE

2007-2008 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-third day of January in the year of our Lord two thousand and seven, and of the Independence of the Unites States of America the two hundred and thirty-first.

(SEAL)

S/ Michael F. Easley
Governor

ATTEST:
S/ Elaine F. Marshall
Secretary of State

The President of the Senate recognizes The Honorable Sarah E. Parker, Chief Justice, Supreme Court of North Carolina, who administers the following Oath of Office, to which those present respond and subscribe:

“I do solemnly swear or affirm that I will support the Constitution and laws of the United States, and I do solemnly and sincerely swear or affirm that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear or affirm that I will faithfully discharge the duties of my office as a member of the Senate of the 2007 General Assembly of the State of North Carolina to the best of my knowledge and ability, so help me, God.”

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With forty-eight Senators answering the call of the roll and with the Proclamation from the Governor appointing Edward Walter Jones as Senator from the Fourth Senatorial District having been read, the President declares a quorum present and duly qualified.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable Sarah E. Parker, Chief Justice, North Carolina Supreme Court; The Honorable J. Richard Parker, Senior Resident Superior Court Judge, Judicial District 1; The Honorable Yvonne Mims Evans, Resident Superior Court Judge, Judicial District 26; The Honorable Robert C. Hunter, Judge, North Carolina Court of Appeals; The Honorable James A. Wynn, Jr., Judge, North Carolina Court of Appeals; The Honorable Elaine Marshall, North Carolina Secretary of State; The Honorable Aaron W. Plyler, former Senator from Union County; The Honorable J. Richard Conder, former Senator from Richmond County; The Honorable Fern Shubert, former Senator from Union County; The Honorable Robert G. Shaw, former Senator from Guilford County; The Honorable William B. Miller, former Senator from Forsyth County; and The Honorable Willis P. Whichard, former Senator from Durham County and retired Associate Justice of the North Carolina Supreme Court.

ORGANIZATION OF THE SENATE

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

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

“Ladies and gentlemen of this August Body, citizens of North Carolina, I’m honored to stand here and place in nomination the name of Marc Basnight as President *Pro Tempore* of the Senate. In my opinion, Marc does not need an introduction to us assembled here. However, as a reminder, I want to say that he is a man of high morals, the best that North Carolina can offer. He is honest, he is truthful, and he will give you his word. And as the old saying goes, ‘If he gives you his word, you can take it to the bank and cash it.’ However, if he finds that the word will not work, you will be the first one to know. He will not skip out on you. He is a man of the highest integrity who loves this State with a passion. He knows the history of this State and he knows its people. As an example, when he travels around this State from Manteo to Murphy, he will not do what most of us do. We go straight to point A and back to point B. Marc, many times, will stop at crossroads stores in the country and talk to citizens and pick their brains to find out what they like, what they need, what they think the

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State should be doing. He is well-known along those routes. Marc is also passionate about the environment of our State and he goes across this State promoting a good environment and working to preserve the resources that this State has for future generations. He listens to the concerns of citizens and he particularly listens to the concerns of Members. He is not afraid to listen to what you say and help you accomplish your goals. He is a proven leader who knows how to get things done and I guess most of all about him, Marc is not afraid to lead by following. He is a devoted family man and I solicit your support in voting for Marc Basnight as President *Pro Tempore* for the North Carolina Senate.”

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

“Madame President, fellow Senators and friends it is a distinct honor for me to second the nomination of Senator Marc Basnight for the office of President *Pro Tempore* for the 2007 Session of the North Carolina State Senate. I could spend hours talking to you in detail about Marc’s accomplishments over the years, but just let me say this. Marc Basnight’s vision for North Carolina reaches from Murphy to Manteo and includes all the people of North Carolina. Marc is a leader who does not rule this Senate team but yet, as good leaders do, he tries to lead them to where they want to go. As Marc seeks his eighth term as President *Pro Tempore*, we acknowledge the hallmarks of his leadership, that of humility, honesty, and integrity. These traits lead Marc to respect our laws and see the realities of every situation. Despite the pressures with a high leadership position, Marc has stood firm in his high standards and convictions of honesty and integrity. In the scriptures, Galatians 5:13 speaks to one of our most important Christian principles. It says, ‘Serve one another in love.’, emphasizing the importance of Christians serving others. There is no finer example of this Christian principle than Marc Basnight. Marc loves the people and the land of North Carolina and cherishes the opportunity to serve. And so it is with great pride that I second the nomination of Marc Basnight for President *Pro Tempore* of the North Carolina Senate for the 2007 Session.”

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

“It is my privilege at this time to nominate the leader of our caucus, Senator Phil Berger from Rockingham County, to be President *Pro Tempore*. Thank you.”

The President recognizes Senator Hunt who seconds the nomination and offers the followings remarks:

“Ladies and gentlemen of the Senate it is my pleasure to second the nomination for Senator Phil Berger for President *Pro Tempore* of the Senate. Thank you.”

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Hearing no further nominations, the Chair directs the members of the Senate to answer the call of the roll and cast their vote for the President *Pro Tempore* nominee of their choice.

Those voting for Senator Basnight are: Senators Albertson, Atwater, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Garrou, Goss, Graham, Hagan, Hartsell, Hoyle, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Swindell, and Weinstein ---31.

Those voting for Senator Berger of Rockingham are: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, East, Goodall, Hunt, Jacumin, Pittenger, Preston, Smith, Stevens, and Tillman -- -17.

Senator Berger of Rockingham offers a motion that Senator Marc Basnight be elected by acclamation as President *Pro Tempore* of the 2007 Senate, which motion prevails.

The President declares Senator Basnight duly elected President *Pro Tempore* and appoints Senator Albertson, Senator Garrou, Senator Hagan, Senator Soles, Senator Nesbitt, and Senator Dannelly to escort the President *Pro Tempore*-Elect to the Well of the Senate. Senator Albertson presents Senator Basnight to the President. The Sergeant-at-Arms escorts Senator Basnight's daughter, Caroline, to the Well of the Senate to join him as he receives the Oath of Office. The Honorable J. Richard Parker, Senior Resident Superior Court Judge, Judicial District 1, administers the prescribed Oath of Office.

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

"To my Lieutenant Governor, thank you for your friendship and support. To Dick Parker, a long-time friend from Manteo who swore me in today, thank you. To all members and families, friends, and guests in the gallery, I not only welcome you but I appreciate your belief in a better government for all people by your participation today.

"I have to mention, as all of you would like for me to do, Robert Holloman and his family and all that he did for his district and the people that he loved so very much. Our good God needed him for other reasons above and beyond all that we do. His effort and his belief will be forever with those of us who served with him. So I thank his wife and his children for being with us today.

"The tie that I wear today has America's flag on it, David. It has many of those flags. One thing I always admired about my brother, who is here today, is that he served in the Army and he served in Vietnam. I did not. For that I find some semblance of rightful regret. But he and every soldier in this Country gave us freedom that allows us to wear this flag today. Tony, your and Walter's

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great-great-grandfather fought at Brandywine and was wounded there with General Washington. The creation of a Country that gives us so many opportunities is because of the soldiers more so than anyone else. And so today, I wear this tie for every soldier who has served and is now serving this Country in harms way. God bless our military.

"Elaine and each and every judge, Sarah Parker, Bob, each and every one of you, you give to us that balance. Maybe when we find ourselves out of balance, and I can't remember when that was, but obviously you are the third prong of this wonderful government of ours.

"It is incumbent upon you in the Senate today that we learn to protect and preserve this institution of your responsibilities and that is what I will ask you to do.

"We know North Carolina is the greatest place to live, but others are finding out as well, Kay. Recently, there was a poll done about where is it in America that you would find the most desirable place to live and no surprise to me from the findings of this national poll, it was North Carolina. Good things are happening in North Carolina and they are a result of much of what you've done.

"Our economy is healthy and growing. It has given employers and workers a greater opportunity for success. Our business climate is the best in the Country according to *Site Selection Magazine*. We've been ranked number one five times out of the last six years and if that isn't good enough for your consumption, *Forbes.com* ranks North Carolina as the third best state in this Country to do business. Ernst and Young ranks our business taxes among the lowest in the whole Country.

"We are making great gains in our public schools, but we must build on that progress. North Carolina has one-fifth of the Nation's certified teachers, something to be very proud of. From 1994 to 1995 to 2004 to 2005, only four states raised the teachers' salaries higher than North Carolina. North Carolina pays roughly two-thirds of the K-12 education costs at the state level. Only three states pay a larger share than we do. So sometimes when the constituents ask you where you spend our money and do you do so wisely, this is one ingredient of the taxes that you collect in this State to see that the local governments do not have to absorb those costs as you see occurring in so many States in this Country and around us. North Carolina is also above the Southeast average in SAT scores.

"Our universities are among the Nation's best and most affordable. Again, in taxation if you were to compare us with South Carolina, those taxes in North Carolina would be utilized for a different purpose if we could charge what they charge. But is that valuable for this State? I would say not. We must continue to subsidize the students in our higher education system at the level that we presently do in this State, which ranks us as one of the greatest buys in all of public education or private education in all of America and I support that with the most recent Kiplinger's Report that six of the universities in North Carolina were in that top one-hundred ranking and one of them was UNC-Chapel Hill and no surprise to you it was number one in that value.

"Also, something not so much a surprise for members but for the audience

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and the people of this State, the UNC system is third in the Nation for total federal research and development funding to University Systems, something to be very proud of, as well. For every \$1 million in research funding that is attracted to North Carolina, about thirty-nine jobs are created. That's pretty impressive - a one million dollar investment, thirty-three people employed with health care, retirement, a benefit package, and good salaries. The UNC Lineberger Cancer Center was named as one of seven centers nationwide to be part of the alliance for nanotechnology in cancer. UNC-Chapel Hill will receive more than \$20 million to fight that dreaded disease. North Carolina State and UNC-Chapel Hill are in the top ten of all public and private universities for the power and productivity of the patents they have produced over the past year.

"In Community Colleges every year, one in every six adults in this great State of ours enrolls in the community college system. More than 99 percent of those who completed community college were employed within one year of completing their degree and 100 percent of the employers reported that they were satisfied with the training, Martin, of these new employees that come out of our community college system that you believe in so very much. *Expansion Magazine* ranks our community college job training programs the fourth best in the Country, another ingredient of why people want to live in the greatest state of all.

"Fiscal responsibility - even as our State has grown and even as we have made tremendous investments in education and in our economy, we have kept our tax burden below the U.S. average for the past thirty years. *USA Today* ranks North Carolina fourth in the Nation for fiscal integrity. North Carolina's pension fund is ranked the strongest pension fund in the whole Country, David. Not another place can claim what we are able to claim. And we are just one of seven states with a Triple A Bond rating, which was just recently upgraded again. These are some examples of our successes which, because of you, they are true today.

"But then again, despite our progress there is much work ahead of us. Public schools keep moving forward on teacher pay. Each and every one of you, Tony, are committed to that, speak of that, believe in that, and preach that and were it not for this Senate and House and this General Assembly and our Governor and people who believe that we can make a stronger and better economy by investing in education, it would not have occurred. So thank you for what you have done for the public school teachers of North Carolina.

"Consider higher pay for teachers in math and science, separating the two, not something anyone ever wants to do. You would like to be gracious enough and have enough resources to not have to segregate pay but if the market demands it, if the person is not there with the degree, you have to pay that differential and I would encourage that we move with great haste, to hurry and prepare the finest public school math and science teachers that we can find that are not available today in North Carolina. And the very best that you get out of education is what we all seek for our children and you cannot reward people just on test scores alone, but also on the effort that you put into the classroom and I believe when students succeed because of a combination of factors and that a

teacher goes above and beyond whatever he or she is called upon to do, there should be some rewards to encourage and promote better teachers in North Carolina's System. Any testing system must be fair, accurate, and reliable and we have not been able to claim such in years past. We should provide the technology and the equipment needed to make sure all students are prepared for any and every job that will make us competitive in this very global economy that we are participating in today. But the ultimate responsibility is to that child – not to you and me, not to the teacher, not to the school board, not to the principal. You and I are obligated to make sure that every child in our schools has every possible opportunity to succeed with the talents that the good God gave each of them.

"In higher education, faculty salaries are always a concern and will continue to be, but they have to be addressed if we are going to be able to compete at the level that we all believe in. Capital facilities in this State are lacking and one of the major reasons that they are lacking is that we are an attractive State. Companies want to do business here, people want to move here. You see families telling family friends where they transferred from, when they leave whatever State it may be to come here, that this is the place that is prepared for them so that means the investment in capital facilities and financial aid to keep a higher education in the reach of all students is critically important.

"Mental health issues - obviously we understand they are under-funded. We did appropriate \$100 million last year that was budgeted for those very special people and we have to be able to expend those monies wisely and see that we distribute to that need more graciously as resources are available.

"Medicaid costs - I believe very strongly that this year we have to resolve that issue, Tony, once and for all so that every county government fully realizes that there will be no payment responsible to those governments in the very foreseeable future over a protracted period of time and with a combination of effort we need to absorb that responsibility so that the very poorest among us, Doc, have that ability to expend those funds that are of such a high percentage of their monies today in the kind of ingredients that make life so much richer by building a stronger economy within their communities and then maybe we can speak of "One North Carolina."

"There is an issue that affects all too many families and that is health care that is affordable, and I believe that we can in some way do better than what we presently do today, and that has to be in cooperation with small business because it is in that community that we find the greatest number and percentage of people and families without healthcare. So we have to work to improve those conditions for these very people that work in our community.

"Environment and energy - so much can be said about that. I remember ten years ago when I first heard about, and John Garrou chairs our committee on behalf of the Senate, the Global Warming Committee, and I was a bit skeptical, not just ten years ago, but five years ago, and most of the science community was more skeptical than I that nothing was occurring that man was affecting. But boy, have you seen a shift in those ideas and thoughts.

"Now it took some time to better understand very difficult and frightening

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predictions that water would be on the State Capital because of global warming and because of man. So the frightening statements have leveled off and are not quite as aggressive in language as we have seen in years past, but now I have come to the conclusion, and unless someone can help me defeat that belief, that we are creating much of this problem. I come to that conclusion because so many people print their positions that we can read and understand and more and more people are doing so. And if we don't take some actions that can create less of the use of carbons that are creating the greenhouse gases in our environment, if we don't protect those particular concerns, if we error, what a God awful affect it will have on North Carolina.

"So there are many things that we can do. One of the simple things we did here, Fred, was that we removed every incandescent light in this building. These are all fluorescent lights in here and in your offices today. The savings are in excess of \$30,000 per year on our utility bill just by changing the fluorescent lights and putting dimmer switches in your offices and may grow as energy costs grow. Simple things that you can do that you have exhibited have to be done. I cringe at the thought of the Outer Banks being underwater. I don't believe it will occur. I believe America will follow the lead of many and we heard the President of the United States say last night that Global Warming is real and it is here and we have to make energy changes. One of the recommendations that Duke Power, the CEO for Duke Power and many other companies in this Country, made was that we reduce carbons in America by the year 2050 by the present load by eighty-percent. If I remember those figures properly, Senator Hartsell, I believe that he was recommending that we move by twenty-percent in the next ten years of the existing reduction. We can do much of that through efficiencies, but there is much more work that can be done through our Universities that will give us the kinds of recommendations that will derive better energy concepts by the investment of research.

"Infrastructure needs - I understand, as you understand, that there is not a county in this State that does not need resources to build the buildings in which to teach our students. I realize as you realize, Senator Kerr, that the infrastructure needs for water and sewer in this State are horribly high, maybe exceeding \$15 billion. I understand as you understand that we have many, many crowded highways in this State around our urban centers and I also understand that we have no traffic on roads in rural areas of North Carolina because of the lack of a road system and a water and a sewer system and an infrastructure that would allow for development. I, as you, know and fully understand that you invested some years ago in the Clean Water Management Trust Fund. You've believed in that, you've never dropped that crusade to make those investments and today we are at \$100 million per year in an escalating fight to preserve some of the properties that are so important to the environment, the landscape, the look and the future of North Carolina. That lacks as well. We do need billions; we do need money properly spent. I encourage every agency in the State to be prudent with the taxpayer's money and that you spend it wisely, you invest it properly and we get a return on behalf of all the people in this State.

"My greatest wish today is that we all work together, not as a party of people,

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but as a group of Senators who believe and know we can make life better and richer outside of politics. I believe that you elected me to participate in a better government and I thank you for that. Today, I stand and wish for better opportunity, better health, and a better life for all people. I thank you, God bless and Godspeed to the Old North State.”

ADOPTION OF RULES

Senator Rand submits **S.R. 1**, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSION OF THE 2007 GENERAL ASSEMBLY, for adoption. Upon motion of Senator Rand, S.R. 1 is placed before the Senate for immediate consideration.

Senator Berger of Rockingham offers Amendment No. 1 which fails of adoption (19-30).

Upon motion of Senator Rand, Senate Resolution 1 is adopted (32-17).

The text of the Resolution is as follows:

S.R. 1, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSION OF THE 2007 GENERAL ASSEMBLY.

Be it resolved by the Senate:

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

PERMANENT RULES OF THE REGULAR SESSIONS OF THE SENATE 2007 GENERAL ASSEMBLY OF NORTH CAROLINA

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

I. ORDER OF BUSINESS

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

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

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

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

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

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

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

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

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

3. Second reading viva voce.
4. Third reading viva voce.

II. CONDUCT OF DEBATE

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

RULE 9. (Reserved for future use).

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

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

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

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

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

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

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

- (1) A request that the member speaking yield for a question;
- (2) A point of order; or
- (3) A parliamentary inquiry.

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(d) When a Senator refers to a bill, the bill number and short title must be used.

RULE 13. (Reserved for future use).

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

(b) With leave of the Senate, any member of the Senate may address the Senate from the well of the Senate.

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

RULE 16. (Reserved for future use).

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

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

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

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

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

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

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

(h) Reading of newspapers, magazines, periodicals, or books shall not be permitted while the Senate is in session. This rule does not prohibit

the use of quotations during debate or for personal privilege.

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

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

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

(k) No person other than the member, the member's legislative assistant, or the Principal Clerk's office or staff under the direction of the Principal Clerk, shall place any matter on the member's chamber desk, then only materials relevant to the business of the Senate, or as allowed under subsection (g) of this section.

III. MOTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. VOTING

RULE 25. Use of electronic voting system. – (a) Votes on the

following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

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

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

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

(c) When the electronic voting system is used, the Presiding Officer shall fix and announce the time, not to exceed one minute, which shall be allowed for voting on the question before the Senate. The system shall be set to lock automatically and to record the vote when that time has expired. Once the system has locked and recorded a vote, the vote shall be printed by the system.

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

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

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

(g) When the Presiding Officer ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic system, the Presiding Officer shall announce that fact to the Senate, and any partial electronic system voting record shall be voided. In such a

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case, if the Constitution of North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes shall be taken as prescribed in Senate Rule 26. If, after a vote is taken on the electronic system, it is discovered that a malfunction caused an error in the electronic system printout, the Presiding Officer shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the Senate.

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

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

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

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

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

RULE 27. Pair votes. – (a) If a Senator is paired with another Senator on a question, the Senator shall announce the pair as follows: "I desire to announce a pair. If Senator _____ were present, that Senator would vote

_____; I would vote _____ (the opposite)." The Senator shall send forward at that time a written statement of the pair on a form provided by the Principal Clerk, and neither member of the pair shall vote on the question. A pair shall be announced before the vote is taken viva voce or, if the electronic voting system is used, before the machine is unlocked. The Clerk shall record the pair on the Journal when the Constitution or Rules of the Senate require a call of the roll and shall record on the electronic system printout all pairs announced.

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

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

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

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

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

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

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

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

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

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

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

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

(e) The Senator so excused shall not debate the bill or any

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amendment to the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any motion concerning the bill at that reading, any subsequent reading, or any subsequent consideration of the bill.

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

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

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

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

V. COMMITTEES

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

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

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

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Transportation
Ways & Means

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

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

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

RULE 34. Membership of committees; quorum. – (a) Membership on standing committees shall consist of not more than 20 nor fewer than five Senators, including the chairs and vice-chairs and ranking minority members; provided that the Appropriations/Base Budget, Commerce and Finance Committees shall not be limited as to membership.

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

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

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

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

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

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

RULE 37. (Reserved for interim operations rule).

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VI. HANDLING BILLS

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

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

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

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

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

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

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

Monday until 30 minutes after adjournment; and

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

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

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

(c) No member may introduce more than two bills that contain no substantive provisions.

RULE 40.1. Deadlines on filing for introduction of bills and resolutions. – (a) All local bills and resolutions must be filed for introduction not later than Tuesday, February 27, 2007, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by

4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Wednesday, March 7, 2007, shall be treated as if it had been filed for introduction under this rule.

(b) All public bills and resolutions, except those honoring the memory of deceased persons or adjourning the General Assembly, must be filed for introduction not later than Tuesday, March 13, 2007, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Wednesday, March 21, 2007, shall be treated as if it had been filed for introduction under this rule.

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

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

RULE 41. Crossover bill deadline. – In order to be eligible for consideration by the Senate during the 2007 or 2008 Regular Sessions of the 2007 General Assembly, all House bills other than those required to be referred to the Committee on Finance or the Committee on Appropriations/Base Budget by Rule 42 or adjournment resolutions must be received and read on the floor of the Senate as a message from the House no later than Thursday, May 17, 2007, provided that a message from the House received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this rule and provided that the House accepts Senate bills ordered engrossed on the next legislative day.

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

RULE 42. Reference of appropriation and finance bills. – (a)

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

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

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

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

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

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

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

(e) The sponsor of a bill, resolution, or amendment to which a fiscal note is attached who objects to the estimates and information provided

may reduce to writing the objections. These objections shall be appended to the fiscal note attached to the bill, resolution, or amendment and to the copies of the fiscal note available to the membership.

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

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

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

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

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

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

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

(e) When any committee reports a measure to which an actuarial note is attached at the time of committee consideration, with any amendment of such nature as would substantially affect the cost to or the

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

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

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

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

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

RULE 42.3A. Proposed increases in incarceration. – (a) Every bill, amendment, and resolution proposing any change in the law that could

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

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

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

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

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

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

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

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

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

RULE 42.5. Appropriations/Base Budget Committee meetings.

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

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

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

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

RULE 45. Reports of committees. – Every Senator presenting a

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

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

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

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

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

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

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

(b) A motion to discharge a committee from consideration of a

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

(c) This rule shall not be temporarily suspended.

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

RULE 49. (Reserved).

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

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

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

be finally lost but shall be returned to the calendar in its proper order.

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

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

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

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

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

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

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

(b) The Chair of the Committee on Rules and Operations of the Senate, (or in that Chair's absence the President Pro Tempore) may, or upon

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motion supported by a majority of the Senate present and voting shall, refer the bill to an appropriate committee for consideration of the amendment or committee substitute.

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

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

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

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

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

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

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

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

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

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

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

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

VII. LEGISLATIVE OFFICERS AND EMPLOYEES

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

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

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

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

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

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

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

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

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

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

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

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

VIII. GENERAL RULES

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

RULE 67. Admission to the floor of the Senate. – No person except members of the Senate, members of the House of Representatives, staff of the General Assembly; staff of the Lieutenant Governor; Judges of the

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

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

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

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

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

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

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

RULE 71. Placing material in Senators' offices. – Any person other than a member of the Senate or an employee of the General Assembly

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desiring to place articles of any kind in the offices of the members of the Senate shall make written application to and obtain written approval from the Principal Clerk. No items may be placed on members' desks except as permitted under Rule 17.

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

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

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

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

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

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

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

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

SECTION 2. This resolution is effective upon adoption.

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ELECTION OF OFFICER ESTABLISHED BY THE SENATE RULES

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

“Thank you, Madame President and ladies and gentlemen of the Senate and those of you who are visiting with us today. I am extremely pleased and honored to place in nomination for Deputy President *Pro Tempore* of the Senate Senator Charlie Dannelly from Charlotte. Senator Dannelly has shown through his years of service here that he truly believes in what is best for all the citizens of the State of North Carolina and not those who come from his district only. Charlie Dannelly is serious about being a Senator and will be serious about being the Deputy President *Pro Tempore*. Senator Dannelly is in his place when this Senate is called to order. He is not one who wanders the halls and comes in late and wants to have some corrections made. He is very serious about that. He has demonstrated leadership not only back home, but he has demonstrated that leadership here in the Senate Chamber. Senator Dannelly is a man of honesty and integrity and dignity and statesmanship. He understands, as well or better than most of us, that the Deputy President *Pro Tempore* is to work closely to unite the Senate and not to divide it. I am honored and pleased to place Charlie Dannelly’s name in nomination and ask for your support. ”

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

“Thank you, Madame President and ladies and gentlemen of the Senate and guests. You learn a lot about people when you work with them in committee assignments and stay late in the afternoon and into the early evening. Senator Charlie Dannelly has led a life of service from the days when he was jumping out of airplanes in Korea and serving as a principal in Charlotte and working on the City Council and then in the Senate. I have been so honored and appreciate the opportunity that I have had to serve with him and to learn about him and to learn about his love for his community, the love of his wife, the love of his family, and the belief that he has what we need to do all that we can to lift others up. In my family we had a saying and motto that ‘To those much has been given, much was expected.’ I certainly believe Senator Dannelly lives and exemplifies those words. Madame President, I would urge all of you in the Senate to support Senator Dannelly’s nomination and I move that the nominations be closed and that Senator Charlie Dannelly be elected by acclamation. Thank you.”

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

The President declares Senator Charlie Dannelly duly elected Deputy President *Pro Tempore* and appoints Senator Malone, Senator Garrou, Senator Clodfelter, Senator Dorsett, and Senator Graham to escort the Deputy President

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Pro Tempore-Elect to the Well of the Senate. Senator Malone presents Senator Dannelly to the President. The President directs the Sergeant-at-Arms to escort Mrs. Rose Dannelly to the Well of the Senate where she joins Senator Dannelly as he receives the prescribed Oath of Office. The Honorable Yvonne Mims Evans, Resident Superior Court Judge, Judicial District 26, administers the prescribed Oath of Office.

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

“Thank you, Madame President and President *Pro Tempore* Basnight, members of the Senate, and citizens of this great State. I want to first give honor to God for my presence here this day. I want to thank my best friend and my most avid supporter for over fifty years for putting up with me, my wife, Rose. I want to thank her best friend who sorta helps me out, I guess, when I am in trouble who accompanied her here today, Mrs. Barbara Waymer, and, of course, my family members who are absent, but you can bet they support me in all my endeavors. I thank my constituents for sending me back again and to you, Senators, for your vote of confidence in this office. Again, I would like to thank Judge Yvonne Mims Evans, whom I’ve known for about thirty years, for taking time out of her busy schedule to come and administer this oath. And to my nominators and my escorts, I thank you. I promise you I will be short. I want to touch on just two issues. In the past I have asked this Chamber to be mindful of those citizens who need State participation in the affairs of their well-being - children, senior citizens, the mentally and physically disabled. Ladies and gentlemen, we must do better than we have done in the past. Our efforts have been far less, far less than the need. As a result of that, our mental health dilemmas have increased significantly. Now I don’t need to bore you with statistics because you read the newspaper. We have been taking a whipping for the last several years because of this. Not only that, if you want more information, the consultant’s report is available to all if you have not read it. I urge you to join the Legislative Oversight Committee on Mental Health, Developmental Disabilities and Substance Abuse Services in our effort to make significant improvements in service delivery to this population this year and I am certain that Senator Nesbitt will back me and you on that. My second issue. I am told that J. C. Watts said at one time, ‘Character is doing the right thing, when nobody is looking.’ I say, however, that character is doing the right thing when everybody is looking. That is also good, especially when the right thing is controversial. I don’t believe there is one member of this Chamber who wants to see a person die for a crime that he or she did not commit and you know what, it happens in this Country. It happens. As we deliberate this Session, please give serious consideration to doing the right thing until the justice system dealing with the death penalty is error-proof. I urge you to think strongly on that because if you take a life and it’s wrong, you cannot give it back. Finally, in closing, let me thank all of you members and your families for the sacrifice you are making and the dedication that you are showing in serving the citizens of this State. May God Bless all of you.”

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ELECTION OF STATUTORY OFFICERS

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

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

“Thank you, Madame President. Ladies and gentlemen of the Senate, I rise to place in nomination Janet Pruitt for Senate Principal Clerk. Janet has served in this Chamber since 1997. During that time she has assembled a very competent staff, updated the technology in the Senate, she has flawlessly managed thousands of bills and amendments that we file each year. Her staff makes us look good. I have always appreciated her professionalism and discretion in doing her job. Ladies and gentlemen of the Senate, it is my honor to nominate Janet Pruitt for the North Carolina State Senate Principal Clerk.”

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

“Thank you. Senator Weinstein, I don’t know if anybody can make us look good sometimes but if that is possible, Janet Pruitt can do that. To all of you new members who are here today, Janet will become your best friend because there will be issues and concerns that you have that she can help clear out. What a wonderful staff she has, what a professional staff and a dedicated staff. The amazing thing is when we are in the middle of fretting and furling about bills and legislation, she always has a smile on her face, she is always competent, and she is always careful and friendly with her suggestions to us and, Madame President, I would urge that the nominations be closed and that Janet Pruitt be elected Principal Clerk by acclamation. Thank you.”

The motion by Senator Garrou that the nominations be closed and that Janet Pruitt be elected Principal Clerk of the 2007 Senate by acclamation prevails. The President declares Janet Pruitt duly elected and appoints Senator Dalton, Senator Bingham, and Senator Dorsett to escort the Principal Clerk-elect, Janet Pruitt, to the Well of the Senate. The Honorable Elaine Marshall, Secretary of State of North Carolina, administers the prescribed Oath of Office and the President directs the Principal Clerk to assume her seat.

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

“Madame President, I rise to submit a nomination for the name of Ted Harrison, our present Reading Clerk, as Reading Clerk for the State Senate. Ted is a native of Eden, North Carolina and a graduate of the University of North Carolina. He worked in television for more than thirty years where he began reporting the 1967 General Assembly for WFMY-TV in Greensboro. He then

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became a producer for the Legislative Report for UNC-TV. I am pleased to nominate my friend, Ted Harrison, for Reading Clerk.”

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

“Madame President and members of the Senate, I am very pleased to second the nomination of Ted Harrison as Senate Reading Clerk. Ted has served for two terms in this position and I believe we just about have him broken in. A third term should get him just about right. I have known Ted since my early days in the General Assembly and, believe he is indeed a good choice for us. Even though, Madame President, he seems to have trimmed back his beard just a little bit, this man knows a lot of good country songs and I think that makes him just about right. Madame President, I move that we close the nominations and accept Ted Harrison by acclamation.”

The motion offered by Senator Albertson that the nominations be closed and that Ted Harrison be elected Reading Clerk of the 2007 Senate by acclamation prevails. The President declares Ted Harrison duly elected and appoints Senator Albertson, Senator Kerr, Senator Nesbitt and Senator Stevens to escort the Reading Clerk-elect to the Well of the Senate. Senator Albertson is recognized and presents the Reading Clerk-elect, Ted Harrison. The Honorable Robert C. Hunter, Judge, North Carolina Court of Appeals, administers the prescribed Oath of Office and the President directs the Reading Clerk to assume his seat.

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

“Thank you Madame President and ladies and gentlemen of the Senate. It is my privilege today to nominate Cecil Goins for the position of Sergeant-At-Arms of the North Carolina Senate. Cecil is a native of the Sandhills of North Carolina and attended and graduated from North Carolina A&T State University. He served as a commissioned officer with the Big Red One in the United States Army. He had a distinguished career as Deputy United States Marshal. He has been elected to seven terms as the North Carolina Senate Sergeant-At-Arms. He has great respect for the members and positions of our body. He is a distinguished gentleman and a son of North Carolina. It is my pleasure to place in nomination the name of Cecil Goins.”

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

“Madame President, the Senate does its job well because we have a great staff and the greatest among those is the Sergeant-At-Arms. I am not sure we would do very much in here and do it well without that assistance and leadership and, of course, Cecil Goins has had that responsibility for a long period of time. We need the best and in Cecil Goins we will get the best. I would urge you to

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vote for Cecil and I move that the nominations be closed and that he be elected by acclamation.”

The motion offered by Senator Malone that the nominations be closed and that Cecil Goins be elected Sergeant-at-Arms of the 2007 Senate by acclamation prevails. The President declares Cecil Goins duly elected and appoints Senator Blake, Senator Hartsell, Senator Malone, and Senator Soles to escort the Sergeant-at-Arms-elect, Cecil Goins. The Honorable James A. Wynn, Jr., Judge, North Carolina Court of Appeals, administers the prescribed Oath of Office and the President directs the Sergeant-at-Arms to assume his seat.

RECOGNITION OF PARTY OFFICERS

The President directs the Reading Clerk to read as follows:

North Carolina General Assembly

Senate Chamber
State Legislative Building
Raleigh 27601-1096

December 18, 2006

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

Dear President Perdue:

This is to advise you that the Senate Democratic Caucus met on December 18, 2006, with 28 members present and nominated the following officers for the 2007 Session of the General Assembly:

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

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

cc: The Honorable Marc Basnight
Ms. Janet Pruitt

January 24, 2007

North Carolina General Assembly

Senate Chamber
State Legislative Building
Raleigh 27601-1096

January 22, 2006

The Honorable Beverly E. Perdue
2104 Legislative Building
Raleigh, NC 27603

Madame President:

The Joint Republican Caucus met on Sunday, December 3, 2006 in Greensboro to discuss leadership matters for the upcoming 2007-2008 Session of the General Assembly. It is with great pleasure that I announce that the following members were elected to serve the Senate Republican Caucus beginning in January, 2007:

Senator Phil Berger, Republican Leader
Senator Tom Apodaca, Deputy Republican Leader
Senator Jerry Tillman, Republican Whip
Senator Jean R. Preston, Republican Caucus Policy Chair

Respectfully,
S/Phil E. Berger
Senate Republican Leader

cc: Senator Marc Basnight, President Pro Tempore

REMARKS BY THE LIEUTENANT GOVERNOR

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

“Members of the Senate, as we are about to get to the end of the program, I thank you for coming and I, as the presiding officer, would like to say an official welcome to this one-hundred and forty-seventh opening session of the North Carolina General Assembly. As we end up this wonderful day of a new beginning, I would like for all of us to pause as Senator Basnight did in his wonderful speech out of respect and thanks for the thousands of brave Americans who are fighting in Iraq and Afghanistan to say a special thank you and a word of prayer and there are thousands of those soldiers, more than any other State, that call North Carolina home. As we speak, we have eleven thousand National Guardsmen and women in Iraq and Afghanistan and we send to them and to their families our prayers and our hopes and our thanks. We

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know that this week another round of major deployments will leave for the surge and we ask you to include those folks in your prayers. Pause for just a second if you would. (Pause) Thank you. I really personally want to welcome the five new Senators who are taking part in your first opening day or are coming back to the Senate for a new session or joining the Senate from the House. We look forward to working with you. It's exciting, it's a good Body. I call it my second family and I believe that you will, too, after you serve here for a while. And to all of the family members who are here, former Senators and new Senators, we just thank you for giving your person, your Senator, to the people of North Carolina to work for us because you give up as much as they give up and we know it's a family business, serving in politics. It is a kind of bitter-sweet day for me. I joined the Body, as Marc said, in 1988. He was a little bit ahead of me. This is my last session so it has been kind of an interesting day and I would really like to take just a bit of a privilege and call my family's names because they have put up with this stuff for a long time. My wonderful husband, Bob Eaves, who is still fooled by how great I am. Bob, thank you so much. I don't ask too much, you don't have to clap for all of them separately. You can clap for all of them at one time. My oldest son, Garrett, who we think was ten, nearly eleven, when we started, and now he is thirty, Garrett and his new wife who is with child. I'm going to be a DNA grandmother, Bob. We already have four, but April is pregnant. And my wonderful young son, Emmett, on the back here who was seven when we started and he made the front page of the *News and Observer* in 1988 because he was so bored he was looking at his Mickey Mouse watch wanting to get out of Dodge. I thank the four of you for your love and support. I couldn't do this without you. I also have on the back row Anne Canady and Sharon Nelson who are just like sisters and they are as good as it gets. They are state employees and we are lucky to have them. Thank all of you. I want to offer my support to the folks you just elected. Senator Basnight is like a brother to me. I thank you for your friendship and your family's friendship. Deputy President *Pro Tempore*, Charlie Dannelly, is one good guy. We thank him and his family for serving the people of this State. Majority Leader and Rules Chair, Tony Rand, is as bright as it gets and has the best wit in North Carolina. Karen, thank you for letting us share him. Some days I want to send him back to you but we thank you for his service. Phil Berger, the Minority Leader and Majority Whip, Katie Dorsett, we thank you and all the other officers for what you are about to do. We have a lot of challenges still ahead of us and the people in this State have put their trust and their faith in each of us. We know we have so much to be proud of. In the early fifties, North Carolina was the second poorest state in America and you know the rest of the story. We are the second largest financial center in the Country, the third largest biotechnology community in the Country and you heard about Site Selection Magazine. Five out of the last six years they say we are absolutely tops. All of those rankings didn't just happen. A lot of you and your predecessors made them happen. We have done very well as a State and as a people as we have transitioned this last six years from a society of culture wrapped around manufacturing and textiles and tobacco to high tech, knowledge based economy jobs. The people of our great State, they elected you, they trust you, and they trust me. They believe that we are going to find solutions, long-term solutions,

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not just for this session, but things that will define the place this State will play long after we are all gone. Strategic planning, this State has had a tremendously visionary Government that believed in one thing, one common thing. Education was always the great equalizer in North Carolina and again Senator Basnight spoke to this Body's tremendous commitment to public schools and to community colleges and to the university system. I know that each of you are committed to carrying that tradition forward because we know that without a doubt that the primary challenge for this great State in the twenty-first century is to remain globally competitive and the only way we can do that from Murphy to Manteo is to provide a quality education for all of our kids that is the strongest, singular competitive advantage that North Carolina has. My goal, and I hope yours, is to have the best educated workforce in the world living right here in the old Tarheel State. Long gone are the classrooms that you and I knew, the chalkboard and the blackboard. All of that is history. Today we have twenty-first century learning centers that need the latest technology to connect them and us to the world because really in this State, education is the cornerstone of a great democracy and I would suggest to you that if education is the cornerstone, then our working families across North Carolina are the foundation. They represent the true spirit of the people of this State. Get to know them if you don't. They believe in their bones in opportunity that all things are possible and it is up to you, to us, to make their belief a reality. They count on us to do that for them. The Members of this great Senate Body and the General Assembly have faced big challenges and they have conquered big challenges over the history of this State. Two-hundred and thirty years ago there were people sitting here just like you are here today, getting sworn in. Think about the footprints across the history of this State. North Carolina is a better State, I believe, because Senators just like you, for two-hundred and thirty years, have made hard, progressive choices in times of feast and in times of famine. So today, January 24, 2007, is a beginning. It is a real beginning for each of you, for me, for us, and for the people of North Carolina. I know that we will all put away the harsh campaign rhetoric that we hate. We will move to common ground and will work for what works for North Carolina. Across this State, think of it this morning, there are people who are so proud of you. They voted for you, they worked for you. They are so proud that you are sitting here representing them. In every town in all one-hundred counties and all of the regions, they believe and know that they can trust you for leadership and courage to do what is right, not what is popular. They are counting on you and me to make sure that North Carolina is a place to be where everybody has a chance to be somebody, poor and rich alike. Everybody has a chance to be somebody in this great State where we have a twenty-first century economy and infrastructure that can support the four million new people that we know are going to move to this State in the next twenty years. They count on us for good schools, good jobs, health care, clean water and air and they don't care much how we make the decisions or how we get it done. They just want us to do our jobs and make their lives possible. The stakes are high for us in these early days of the twenty-first century, but wow, the opportunities are limitless, defined only by the girth and strength of those of us who serve here today. So as the speeches end and the real work starts later this week, I want to say on behalf of the nearly nine million people who elected

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me to be their Lieutenant Governor and yours, I thank you as a taxpayer and as a citizen for what you have done, for what you are about to do, and on behalf of those people, we really are appreciative. Have a great session and God Bless.”

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 2:03 P.M. to meet Thursday, January 25, at 11:00 A.M.

SECOND DAY

Senate Chamber
Thursday, January 25, 2007

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, Mrs. Holloman's opening prayer yesterday graciously and fittingly petitioned for you to be present in all the Senate's proceedings. We are grateful for her prayer and for your presence. But I guess it befalls the everyday Chaplain to remind the Senate family of our humanity that on some days a single voice will cry out from the wilderness, like John the Baptizer, a voice of earnest dissent or advocacy that goes against the majority. When that happens may the words not be spoken with an attitude seen depicted on a bumper sticker recently, which said, 'I love God, my family, and the rest of you can just go to Hades'. Instead let us speak and listen with respect and grace ever mindful that the truth is best achieved in the exercise of community within this family. For your sake and for goodness's sake, Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, January 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 privileges of the floor to Ann Newman from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

January 25, 2007

By Senators Snow, Nesbitt; Allran, Apodaca, Bingham, Boseman, Cowell, Dannelly, Goodall, Goss, Kinnaird and Queen:

S.B. 2, 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.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Albertson; Allran, Atwater, Bingham, Boseman, Cowell, Dalton, Jenkins, Kinnaird, Purcell, Queen, Snow, Stevens, Tillman and Weinstein:

S.B. 3, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A TEN PERCENT RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS).

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Snow; Apodaca, Goodall and Jenkins:

S.B. 4, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SHERIFFS TO INSPECT PRESCRIPTION PROFILES AND STOCKS OF CONTROLLED SUBSTANCES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Snow; Boseman, Goodall and Jenkins:

S.B. 5, A BILL TO BE ENTITLED AN ACT TO ADD METHADONE AND OTHER SCHEDULE II DRUGS TO COCAINE AND METHAMPHETAMINE AS CONTROLLED SUBSTANCES WHICH, IF UNLAWFULLY DISTRIBUTED AND CAUSE A DEATH, ALLOW FOR A CHARGE OF SECOND DEGREE MURDER.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Hoyle; Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Boseman, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Goodall, Graham, Hagan, Jenkins, Jones, Kerr, Kinnaird, Nesbitt, Purcell, Queen, Rand, Snow, Soles, Stevens, Swindell and Weinstein:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR A ONE-DAY ORGANIZATIONAL SESSION FOLLOWED BY AN EXTENDED RECESS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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By Senators Hoyle; Allran, Atwater, Bingham, Cowell, Dalton, Dannelly, Forrester, Graham, Jenkins, Purcell, Shaw, Snow, Stevens, Swindell and Tillman:

S.B. 7, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STATE-EARNED INCOME TAX CREDIT BY CREATING THE REWARDING WORK TAX CREDIT.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Boseman; Cowell, Jenkins, Kinnaird and Snow:

S.B. 8, A BILL TO BE ENTITLED AN ACT TO INCREASE THE "SAFE ZONES" NEAR CHILD CARE CENTERS AND SCHOOL GROUNDS REGARDING ILLEGAL DRUG SALES FROM THREE HUNDRED FEET TO ONE THOUSAND FEET, TO EXPAND THE "SAFE ZONE" FOR PUBLIC PARKS TO INCLUDE ALL PUBLIC PARKS, NOT JUST THOSE WITH PLAYGROUNDS AND TO INCREASE THE DISTANCE OF THOSE SAFE ZONES TO ONE THOUSAND FEET, TO INCREASE THE PENALTIES FOR CARRYING A DEADLY WEAPON ON EDUCATIONAL PROPERTY, AND TO MAKE IT A CRIMINAL OFFENSE TO POSSESS OR CARRY A GUN, RIFLE, OR PISTOL IN A PUBLIC PARK, IN ANY CHILD CARE CENTER, OR ON ANY PLAYGROUND.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Boseman; Atwater, Cowell, Dannelly, Goodall and Jenkins:

S.B. 9, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON SUBJECT TO A DOMESTIC VIOLENCE PROTECTIVE ORDER IS PROHIBITED FROM PURCHASING A FIREARM.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Boseman; Atwater, Cowell, Goodall, Jenkins and Snow:

S.B. 10, A BILL TO BE ENTITLED AN ACT TO CREATE A FELONY OFFENSE FOR PERSONS WHO KNOWINGLY VIOLATE A DOMESTIC VIOLENCE PROTECTIVE ORDER WHILE ARMED WITH A DEADLY WEAPON.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Boseman; Goodall and Jenkins:

S.B. 11, A BILL TO BE ENTITLED AN ACT TO CLARIFY TYPES OF NUISANCES WHEREIN OBSCENE OR LEWD MATTER OR OTHER CONDUCT PROHIBITED IS INVOLVED.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Boseman; Goodall and Jenkins:

S.B. 12, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE

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COURT'S DISCRETION TO ALLOW COURT COSTS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Forrester, Smith; Allran, Apodaca, Berger of Rockingham, Bingham, Brock, Brown, Brunstetter, East, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Preston, Snow and Tillman:

S.B. 13, 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.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
January 24, 2007

Madame President:

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

Speaker: Joe Hackney
Speaker Pro Tempore: William L. Wainwright
Principal Clerk: Denise G. Weeks

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

Sergeant-at-Arms: Robert R. Samuels
Chaplain: The Reverend James H. Harry

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

Majority Leader: Hugh Holliman
Minority Leader: Paul Stam
Minority Whip: William C. "Bill" McGee
Republican Freshman Chair: Ric Killian
Joint Caucus Leader: Dale R. Folwell

Respectfully,
S/Denise G. Weeks
Principal Clerk

January 25, 2007

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows:

Executive Order Number 105, To Facilitate Government Employee Access.

Executive Order Number 106, Historically Underutilized Businesses.

Executive Order Number 107, Proclamation of a State of Emergency Due to Tropical Storm Ernesto.

Executive Order Number 108, To Declare by Proclamation the True Boundary Line Between the State of North Carolina and the State of South Carolina Along the Counties of Jackson and Transylvania.

Executive Order Number 109, Proclamation of State of Disaster for Jones County and Duplin County.

Executive Order Number 110, Extending Executive Order No. 109 Proclamation of State of Disaster for Jones County and Duplin County.

Executive Order Number 111, Proclamation of a State of Disaster for Columbus County.

Executive Order Number 112, Notice of Termination of Executive Order No. 107 by the Governor of the State of North Carolina.

Executive Order Number 113, Proclamation of a State of Emergency for Dare County.

Executive Order Number 114, Extending Executive Order No. 109 Proclamation of State of Disaster for Jones County and Duplin County.

Executive Order Number 115, Amending Executive Order No. 91 Governor's Task Force for Healthy Carolinians.

SENATE PAGES

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

Emily Creech, Smithfield; Nicki Creech, Selma; Ivy Hageman, Kill Devil Hills; Shamika Hodge, Knightdale; Emily Pendergrass, Oxford; and Erica Vines, Durham.

January 25, 2007

Upon motion of Senator Dannelly, seconded by Senator Kinnaird, the Senate adjourns at 11:23 A.M to meet Monday, January 29, at 7:00 P.M.

THIRD DAY

Senate Chamber
Monday, January 29, 2007

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 Lin Carter, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

"Our God, we come here this evening with many thoughts and images running through our minds from today and this weekend. We think of American soldiers in Iraq fighting and even dying for freedom while, at the same time, American citizens exercise freedom of speech protesting in our Nation's capital. And here in our State's capital, in this very room, these leaders exercise the freedom of self-governance. Father, with all this on our minds and hearts, we pray that you will lead each of us to serve you and to serve each other with conviction, with integrity and with courage. Inspire our highest intentions and magnify the work of our minds and lips and hands. We ask it on your behalf, Amen."

The Chair grants leaves of absence for tonight to Senator Blake, Senator Forrester, Senator Graham, Senator Jenkins, Senator Kinnaird, Senator Pittenger and Senator Soles.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, January 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Conrad Flick from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Frankie Ballard from Garner, North Carolina, who is serving the Senate as Nurse of the Day.

January 29, 2007

INTRODUCTION OF BILLS AND RESOLUTIONS

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

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

S.B. 14, A BILL TO BE ENTITLED AN ACT TO IMPOSE CONSTITUTIONAL LIMITS ON THE GROWTH OF THE STATE BUDGET.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Soles:

S.B. 15, A BILL TO BE ENTITLED AN ACT TO ADD TOPSAIL BEACH TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Dalton:

S.B. 16, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Boseman; Allran, Atwater, Foriest, Garrou, Goodall, Goss, Jones, Kerr, Queen, Rand and Snow:

S.B. 17, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN CHILD PORNOGRAPHY LAWS BY AMENDING THE DEFINITION OF SEXUAL ACTIVITY AND EXPANDING THE SCOPE OF CERTAIN PORNOGRAPHY LAWS, INCREASING THE PENALTY FOR FIRST, SECOND, AND THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, INCREASING THE PENALTY FOR SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT, AND INCREASING THE PENALTY FOR A SECOND OR SUBSEQUENT OFFENSE OF TAKING INDECENT LIBERTIES WITH CHILDREN.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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SENATE PAGES

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

Anna Bullard, Rocky Mount; Corey Dobbins, Raleigh; Thomas Driver, Greensboro; David Dupont, Greensboro; Hector Faulk, Wilmington; Michael Gehrke, Greensboro; Ashley Irvin, Greensboro; Adrienne Johnston, Greensboro; Ellen Ledbetter, Greensboro; Annie Mack, Greensboro; Landon Nobles, Raleigh; Ryon Plummer, Greensboro; Leanna Tyson, New Bern; Laura Weatherly, Greensboro; and Becca Webster, Greensboro.

Upon motion of Senator Dannelly, seconded by Senator Weinstein, the Senate adjourns at 7:20 P.M. to meet Tuesday, January 30, at 1:00 P.M.

FOURTH DAY

Senate Chamber
Tuesday, January 30, 2007

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:

"Father God, Creator of us all, we gather in winter cold, yet we are content in this heated place wearing comfortable clothes. Help us today to remember those who are not so fortunate. Father God, Creator of us all, we also know that there are those who have more wealth than we have. Help us today to remember that wealth alone cannot provide peace, happiness or quality of life. Father God, Creator of us all, remind us that we are your children. Help us today to make decisions, treat others and live our lives as brothers and sisters. For your sake we ask it, Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, January 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. John Cheesborough from Apex, North Carolina, who is serving the Senate as Doctor of the Day, and to

January 30, 2007

Jennifer Mako from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Purcell:

S.B. 18, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCOTLAND COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Swindell:

S.B. 19, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NASH.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Swindell:

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

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Snow; and Goodall:

S.B. 21, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATUTE PROHIBITING DOG FIGHTING AND BAITING DOES NOT APPLY TO THE USE OF HERDING DOGS WORKING WITH DOMESTICATED LIVESTOCK.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Tillman:

S.B. 22, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REGULAR MUNICIPAL ELECTIONS IN THE CITY OF ARCHDALE TO BE CONDUCTED IN EVEN-NUMBERED YEARS, AND TO EXTEND THE TERMS OF CURRENT OFFICERS TO THE NEW ELECTION SCHEDULE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Purcell; Allran, Atwater, Bingham, Dannelly, Dorsett, Foriest, Jones, Malone, Rand, Shaw and Snow:

S.B. 23, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHILD

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RESTRAINT LAW TO ENSURE COMPLIANCE WITH FEDERAL REGULATIONS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Purcell; Albertson, Atwater, Bingham, Cowell, Dannelly, Dorsett, Foriest, Jones, Malone, Queen, Rand, Shaw, Snow, Swindell and Weinstein:

S.B. 24, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, FOR CHRONIC DISEASE AND PREVENTION CONTROL ACTIVITIES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Purcell; Albertson, Atwater, Bingham, Cowell, Dannelly, Dorsett, Foriest, Garrou, Jones, Malone, Rand, Shaw, Snow, Swindell and Weinstein:

S.B. 25, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATEWIDE HEALTH PROMOTION PROGRAM.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Purcell; Albertson, Atwater, Bingham, Cowell, Dannelly, Dorsett, Foriest, Garrou, Jones, Malone, Queen, Rand, Shaw, Snow, Swindell and Weinstein:

S.B. 26, 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.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Boseman; Atwater, Cowell, Goodall and Snow:

S.B. 27, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW RELATED TO VIOLATIONS OF DOMESTIC VIOLENCE PROTECTIVE ORDERS BY INCREASING THE PENALTY FOR REPEAT OFFENDERS AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Boseman; Atwater, Cowell, Goodall and Snow:

S.B. 28, A BILL TO BE ENTITLED AN ACT TO CREATE A FELONY OFFENSE FOR PERSONS WHO KNOWINGLY VIOLATE A DOMESTIC VIOLENCE PROTECTIVE ORDER WHILE ARMED WITH A DEADLY

WEAPON AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Boseman; Atwater, Cowell, Goodall and Snow:

S.B. 29, A BILL TO BE ENTITLED AN ACT TO DETERMINE WHETHER SECURITY GUIDELINES ARE NEEDED FOR DOMESTIC VIOLENCE SHELTERS OPERATED BY STATE-FUNDED AGENCIES AND TO PROVIDE, WHERE FEASIBLE, PRIVATE AREAS FOR DOMESTIC VIOLENCE VICTIMS WHO ARE NEEDED FOR ANY COURT PROCEEDING WHERE THE DEFENDANT WILL BE PRESENT AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Boseman; Atwater, Cowell, Goodall and Snow:

S.B. 30, A BILL TO BE ENTITLED AN ACT TO AMEND LAWS TO PROVIDE GREATER PROTECTION FOR DOMESTIC VIOLENCE VICTIMS AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Boseman; Atwater, Cowell and Snow:

S.B. 31, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DOMESTIC VIOLENCE PROGRAMS TO MEET INCREASED DEMANDS FOR SERVICES, TO INCREASE TANF FUNDS FOR DOMESTIC VIOLENCE PREVENTION, TO APPROPRIATE FUNDS TO THE JUDICIAL DEPARTMENT TO EXPAND THE FAMILY COURT PROGRAM, TO APPROPRIATE FUNDS TO BE ALLOCATED TO THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE DOMESTIC VIOLENCE COMMISSION TO PROVIDE MATCHING GRANT FUNDS FOR THE CONSTRUCTION OF SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE, TO APPROPRIATE FUNDS TO BE ALLOCATED TO THE GOVERNOR'S CRIME COMMISSION TO CREATE AND FUND SUPERVISED VISITATION AND EXCHANGE CENTERS, AND TO APPROPRIATE FUNDS TO ADJUST THE SALARY AND BENEFITS FOR THE ABUSER TREATMENT PROGRAM COORDINATOR POSITION AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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By Senators Boseman; Atwater, Cowell, Goodall and Snow:

S.B. 32, A BILL TO BE ENTITLED AN ACT TO AMEND CRIMINAL PROCEDURE LAWS AFFECTING DOMESTIC VIOLENCE VICTIMS AND TO REQUIRE DOMESTIC VIOLENCE HOMICIDE REPORTING AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

Upon motion of Senator Basnight, seconded by Senator Snow, the Senate adjourns at 1:19 P.M. to meet Wednesday, January 31, at 11:00 A.M.

FIFTH DAY

Senate Chamber
Wednesday, January 31, 2007

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 Lin Carter, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

"Loving God, I am so grateful to you for the people in this room. Thank you for their abilities and for the uniqueness of each one. I pray for them that they will be physically well, that they will be healthy so that they can not only work, but enjoy the life you give. I pray for their families, that spouses and children and grandchildren will understand all the time spent away and understand the importance of the work being done here. Strengthen these families and bless them in every way. Finally, Lord, let all here find joy, satisfaction and fulfillment through their efforts in this place. I ask it for your sake, Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, January 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Ralph S. Ramos from Dunn, North Carolina, who is serving the Senate as Doctor of the Day.

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OATH OF OFFICE

The Honorable Jeanne Hopkins Lucas, Senator from Senate District 20, was administered the Oath of Office on January 30, 2007, by the Honorable Elaine M. Bushfan, Chief District Court Judge, Judicial District 14.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Goss; and Jones:

S.J.R. 33, A JOINT RESOLUTION HONORING THE APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM ON WINNING ITS SECOND STRAIGHT NATIONAL CHAMPIONSHIP AND HONORING THE MEMORY OF DR. LOWELL FURMAN.

The joint resolution is placed on the Calendar for Tuesday, February 6.

By Senators Swindell; Albertson, Apodaca, Atwater, Berger of Rockingham, Bingham, Brock, Dalton, Dannelly, Goodall, Hoyle, Jenkins, Jones, Kinnaird, Nesbitt, Purcell, Snow, Stevens, Tillman and Weinstein:

S.B. 34, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO KILL A LAW ENFORCEMENT OR ASSISTANCE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A LAW ENFORCEMENT OR ASSISTANCE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICIAL DUTIES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Swindell; Albertson, Apodaca, Atwater, Dannelly, Hoyle, Jenkins, Jones, Kinnaird, Nesbitt, Purcell, Snow, Stevens, Tillman and Weinstein:

S.B. 35, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ADD AN ADDITIONAL STEP TO THE TEACHER SALARY SCHEDULES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

Upon motion of Senator Dannelly, seconded by Senator East, the Senate adjourns at 11:17 A.M. in memory of Mary Elliott of Durham, Aunt of Senator Tom Apodaca, to meet Thursday, February 1, at 9:00 A.M.

January 31, 2007

SIXTH DAY

Senate Chamber
Thursday, February 1, 2007

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, Raleigh, North Carolina as follows:

"Our God, we are here today with concerns about safety and travel, concerns about getting work done and getting home. We pray that you will protect us as well as all who travel. God, we have not only these concerns, but personal concerns, too, trivial matters and important issues. Give us peace and calm and clear minds to make good decisions. Help us to draw comfort from our faith that you are bigger than any problem. In your name, Amen."

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

Senator Malone announces that the Journal of Wednesday, January 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Gerald Maccioli from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Robin Wilson from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Kinnaird:

S.B. 36, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Kinnaird:

S.B. 37, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PERSON.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

February 1, 2007

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

S.B. 38, 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.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Smith; Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Jones, Pittenger, Preston, Shaw, Stevens and Tillman:

S.B. 39, A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Hoyle; Albertson, Apodaca, Atwater, Berger of Franklin, Brunstetter, Dalton, Dannelly, Dorsett, Forrester, Jenkins, Jones, Kerr, Kinnaird, Swindell and Weinstein:

S.B. 40, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FEDERAL FUNDS UNDER THE TANF BLOCK GRANT FOR BOYS AND GIRLS CLUBS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Purcell:

S.B. 41, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE RICHMOND COMMUNITY COLLEGE SCOTLAND CENTER PROJECT.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Purcell; Atwater, Berger of Franklin, Cowell, Dannelly, Dorsett, Forrester, Garrou, Graham, Kinnaird, Malone, Nesbitt, Rand and Swindell:

S.B. 42, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE RECOMMENDATIONS OF THE STROKE ADVISORY COUNCIL OF THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Purcell; Atwater, Cowell, Dannelly, Dorsett, Forrester, Graham, Kinnaird, Malone, Nesbitt and Rand:

S.B. 43, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC

February 1, 2007

FROM THE HEALTH RISKS OF SECONDHAND SMOKE BY PROHIBITING SMOKING IN BUILDINGS OWNED, LEASED, OR OCCUPIED BY STATE GOVERNMENT, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Pittenger; Berger of Rockingham, Brown, Forrester, Goodall, Hunt, Jacumin, Preston and Tillman:

S.B. 44, A BILL TO BE ENTITLED AN ACT TO REMOVE THE EXCEPTION OF ALLOWING A CHILD TO BE OUT OF A CHILD SAFETY RESTRAINT SYSTEM WHILE THE CHILD'S PERSONAL NEEDS ARE BEING ATTENDED TO.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Pittenger; Allran, Apodaca, Berger of Rockingham, Bingham, Brock, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Smith and Tillman:

S.B. 45, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL SCHOOL ADMINISTRATIVE UNITS TO CONSIDER PERFORMANCE WHEN AWARDING ANNUAL SALARY INCREASES TO NONCERTIFIED SCHOOL EMPLOYEES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Pittenger; Apodaca, Berger of Rockingham, Brock, Brown, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Stevens and Tillman:

S.B. 46, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Pittenger; Apodaca, Berger of Rockingham, Bingham, Brock, Brown, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Kinnaird, Preston, Smith, Stevens and Tillman:

S.B. 47, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT LOTTERY PROCEEDS EARMARKED FOR LOCAL SCHOOL ADMINISTRATIVE UNITS ARE NOT USED TO SUPPLANT EXISTING FUNDING.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

February 1, 2007

By Senator Albertson:

S.B. 48, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO LENOIR COUNTY FOR THE COMMUNITY COUNCIL FOR THE ARTS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Albertson:

S.B. 49, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN AMMONIA REFRIGERATION PROGRAM AT SAMPSON COMMUNITY COLLEGE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Albertson:

S.B. 50, A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO INVESTIGATE THE POTENTIAL FOR AGREEMENTS WITH OTHER STATES FOR THE RECIPROCAL HONORING OF HUNTING AND FISHING LICENSES FOR THE DISABLED.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Dorsett, Dannelly, Allran, Bingham, Malone; Albertson, Atwater, Clodfelter, Foriest, Forrester, Goss, Hagan, Hoyle, Jenkins, Kerr, Kinnaird, Nesbitt, Purcell, Rand, Shaw, Snow, Stevens and Swindell:

S.B. 51, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE AVAILABILITY OF HOUSING OPTIONS FOR NORTH CAROLINIANS WITH DISABILITIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Dorsett, Dannelly, Allran, Bingham, Malone; Albertson, Atwater, Clodfelter, Foriest, Forrester, Goss, Hagan, Hoyle, Jenkins, Kerr, Kinnaird, Nesbitt, Purcell, Rand, Shaw, Snow, Stevens and Swindell:

S.B. 52, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, FOR THE PURCHASE OF AN ADDITIONAL MOBILE DENTAL UNIT, AND TO REQUIRE THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY THE DEDICATION OF ONE OR MORE DENTAL SCHOLARSHIP-LOAN PROGRAM SLOTS TO DENTISTS SERVING SPECIAL CARE POPULATIONS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

February 1, 2007

By Senators Dorsett, Dannelly, Allran, Bingham, Malone; Albertson, Atwater, Clodfelter, Foriest, Forrester, Goss, Hagan, Hoyle, Jenkins, Kerr, Kinnaird, Nesbitt, Purcell, Rand, Shaw, Snow, Stevens and Swindell:

S.B. 53, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS TO THE SENIOR CENTER GENERAL PURPOSE FUND, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

Upon motion of Senator Malone, seconded by Senator Jenkins, the Senate adjourns at 9:14 A.M. to meet Monday, February 5, at 7:00 P.M.

SEVENTH DAY

Senate Chamber
Monday, February 5, 2007

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

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

"Dear God, we seldom do much name calling in our Senate prayers. Tonight is an exception. We ask your special blessings of encouragement and guidance upon the five newest members here: Senator Foriest, Senator Goss, Senator Jones, Senator Preston, and Senator Queen. When Moses needed encouragement and guidance to lead the Israelites out of the Sinai and into Canaan, God did some name calling when he said, 'I know you by name and my presence will guide you.' Senators, go forward with confidence and peace of mind. God makes the same promise to all of us each day if we only respond to his roll call. Amen."

The Chair grants leaves of absence for tonight to Senator Albertson, Senator Graham, Senator Jenkins, Senator Jones, Senator Kerr, Senator Kinnaird and Senator Lucas.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, February 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The Chair extends 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 Conice Welch from Randleman, North Carolina, and Mary Baer from Charlotte, North Carolina, who are serving the Senate as Nurses of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Purcell:

S.B. 54, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Purcell:

S.B. 55, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Bingham, Dannelly, Dorsett, Allran, Malone; Brunstetter, Forrester, Hartsell, Jones, Kinnaird, Stevens and Swindell:

S.B. 56, A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Bingham, Dannelly, Dorsett, Allran, Malone; Brunstetter, Forrester, Hartsell, Jones, Kinnaird, Stevens and Swindell:

S.B. 57, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY ISSUES RELATING TO INDIVIDUALS BEING TRANSPORTED IN VEHICLES WHILE SEATED IN WHEELCHAIRS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Bingham, Dannelly, Dorsett, Allran, Malone; Forrester, Hartsell, Jones, Kinnaird, Stevens and Swindell:

S.B. 58, 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, AS RECOMMENDED BY THE NORTH CAROLINA STUDY

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COMMISSION ON AGING.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Bingham, Dannelly, Dorsett, Allran, Malone; Forrester, Hartsell, Jones, Kinnaird, Stevens and Swindell:

S.B. 59, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS FOR THE HOME AND COMMUNITY CARE BLOCK GRANT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

SENATE PAGES

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

Drew Ammons, Wake Forest; Deidre Arndt, Clinton; Nic Blayney, Oriental; Buddy Bryson, Browns Summit; Emily Carr, Morehead City; Karen Chung, Cary; Hannah Clark, Rocky Mount; Jeremiah Coogan, Wake Forest; Peter Coogan, Wake Forest; Will Drake, Raleigh; Grace Farmer, Arapahoe; Hannah Howard, Morehead City; Joy Peebles, Raleigh; Ryan Suttles, Valdese; and Dillon Webb, Trinity.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 5, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BERNARD ALLEN, SR., FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY.

Upon motion of Senator Rand, the Rules are suspended and the House Joint Resolution is placed before the Senate for immediate consideration.

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

Senator Malone:

“Ladies and gentlemen of the Senate, I don’t know that I can say anything that is not embodied in this resolution. This resolution speaks explicitly to the life of Bernard Allen. We were friends and traveled in the same kinds of circles, but I knew of nobody who was more committed to what he believed in than Bernard Allen. He absolutely would not give an inch, not an inch if he thought he was right. He was a very, very strong family man. Anytime you met him he wanted to tell you something about his wife, Vivian. He loved Vivian, he loved his children, he loved his grandchildren and he went places with them. He was a

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great, great family man and he was excited about his new third term in the North Carolina House of Representatives. My last conversation with him had to do with some legislation that he very much wanted to introduce this session and I think he told me that he was already drafting some things and wanted me to have a look at it because he wanted me to be his co-sponsor in this Chamber. He is going to be missed and he is going to be missed a great deal. I would encourage the Members of the Senate to support this resolution.”

Senator Stevens:

“Members of the Senate, Representative Allen was a very, very fine member of the Wake County delegation. I will never forget the day that I first met him. Senator Malone worked with him for many, many years in other capacities. I didn’t really know him, but the day I went down to file for office he was there. Filing had opened at noon and he had been there since 8:30 that morning. He wanted to be the first person to file. He was that anxious to serve this House and serve this General Assembly because he cared about the people of Wake County, the people that he represented and the issues for which he cared so much about. I heard in the resolution about his great concern for education. I don’t remember a conversation with Bernard Allen in which he wouldn’t talk about education, either public schools or universities. He cared deeply about those issues and he cared deeply about people that he served. He will be missed in the Wake County delegation and he will be missed in the General Assembly.”

Senator Rand:

“Ladies and gentlemen of the Senate, I don’t remember exactly when I met Bernard Allen. I’ve known him for a long time and he was a passionate advocate for education. He was a passionate advocate for the Secretary of State’s Office. Whatever he involved himself in he did it with his heart and with his soul. He worked to make our State a better place. He worked to make the condition of man better and I think we will certainly all miss him and his place will always be known as one who was an advocate for the people and for the betterment of life. Thank you, Mr. President.”

Senator Cowell:

“I wanted to pay tribute to Representative Allen. One of the last times I was on the Shaw radio station, they had said that he had been sick for a while and had called into the radio station from the hospital to make sure that he donated his membership monies to the ongoing jazz station that they have there, WSHA, and that was just one example of the type of person that he was. He would show up at city council meetings when Senator Hunt and I were on the city council and he would get active in neighborhood issues in addition to his State service. So I just wanted to pay tribute to his family and Representative Allen.”

Senator Dalton:

“Thank you, Mr. President and Members of the Senate. I rise to speak for myself and also my good friend, Dean Westmoreland. Dean ran for this seat in 1994 and was a former president of NCAE and when I was elected and came

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down here in 1997 he told me to look up his good friend, Bernard Allen. I had been here for a little over a week and I did not have to look up Bernard Allen. Bernard came by to see me. He was lobbying for NCAE at that time. We became good friends and even better friends after he began to serve in the House. Whenever you met Bernard Allen he always had a smile on his face, he always had something uplifting to say and he would always talk about education. That was his passion. His passing was a true shock to all of us, but I will always remember him as a good personal friend and also a friend to education.”

Senator Basnight:

“He was a person who cared a great deal for others. He was passionate about his wish that all people would be educated and he was a person that I thought a great deal of. It is obvious from the views that I was not alone and that we all felt that way.”

Senator Dannelly:

“Thank you, Mr. President. I was sitting, trying to think of something that was not in the resolution but as Senator Malone said, it captured the life of Bernard pretty thoroughly. I met Bernard about thirty or thirty-five years ago. When I was an educator in Mecklenburg County, I ran across this young man who had a lot of pep to his step and looked you straight in the eye and told you what was on his mind and what was going through my mind is who is this little young upstart. But it didn’t take long to find out who he was. As everyone said, he was always the same. He was upbeat and he lifted your spirit when you met him because he spoke to you the way he meant it. He really greeted you with a warm heart. Bernard never, in my opinion, met a stranger. He was always ready to help those who needed help and he did it with a passion. Over all these years, I watched Bernard grow strong in the way he represented his job, educators, poor people, anybody who needed representing. In all of those years there is something that he didn’t tell me. I take a little issue with what Senator Malone said. During the first year of his first session, this General Assembly was invited to Wilmington for an outing to see how Wilmington was doing and took a little boat excursion. And that is when, out of all these years, I met Vivian. Now he didn’t tell everybody about Vivian because he certainly didn’t tell me and I had known him for about thirty years. But when I met her, I thought to myself, I can see why he kept her a secret from some of us. She is beautiful, she is charming, she is the wind beneath his wings and she allowed him to be who he was. She was the star in his crown. Vivian, we will all miss him. I urge you to support this resolution.”

Senator Preston:

“Thank you, Mr. President. I had good experiences with Representative Bernard Allen. We sat across the aisle from each other and I often had personal conversations about children. I served on the Education Committee with him and I can tell you I saw that passion, Senator Malone and Senator Dannelly.

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Some of the special study committees we served on had to do with the dropout rate and he and I both shared real concerns about the state of the dropout rate in North Carolina. He also worked with me on some special education bills and he truly did care about those who needed help the most and I hope as we go into this Session this year that we will give serious consideration to trying to do something about the dropout rate and you will see some bills coming over from the committee in the House on special education needs and I hope you will remember Bernard Allen and his desire. Senator Malone, I guarantee you one of those bills had to do with the seriousness about dropout rate. Thank you for allowing me to speak and I hope you will join us all in voting for this resolution. Thank you.”

The joint resolution passes its second reading (41-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Malone the Chair extends the courtesies of the gallery to Mrs. Vivian Allen, wife of Bernard Allen; Bernard Allen, Jr., son; Andre Allen, son; Chip Allen, grandson; Roderick Bellfield, nephew; and Mr. and Mrs. Al Perry.

Upon motion of Senator Dannelly, seconded by Senator Rand, the Senate adjourns at 8:17 P.M. to meet Tuesday, February 6, at 2:30 P.M.

EIGHTH DAY

Senate Chamber
Tuesday, February 6, 2007

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

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

"The African-American women in that makeshift building that used to be their church in Pearlinton, Mississippi served lunch to us last week. We had come there to help rebuild their church, homes and lives in the aftermath of Hurricane Katrina. Though this Bayou village and its people were largely overlooked and forgotten for months by disaster relief help, these women have faithfully served hot, home-cooked meals everyday for the past fifteen months to anyone who might have found their way to offer assistance in Pearlinton. When the aging black woman stood with an eloquent voice and began to sing a

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spontaneous acapella version of 'Take my hand, lead me Lord,' those of us who went to offer a blessing, received the blessing. I began my personal celebration of Black History Month sometime during the first unforgettable stanza of her song. Continue to be the source of their exemplary strength of spirit and character. Amen."

The Chair grants leaves of absence for today to Senator Cowell, Senator Dannelly, Senator Lucas and Senator Malone.

Senator Rand announces that the Journal of Monday, February 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Harold Carmel from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Janice Joyce from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

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

H.J.R. 5, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BERNARD ALLEN, SR., FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY. (Res. 1)

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Goss; and Jones:

S.B. 60, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMMEDIATELY DESIGNATE A TEMPORARY LOCATION FOR REGISTRATION DOCUMENT AND PLATE ACQUISITION WHEN CLOSING THE ONLY CONTRACT LICENSE PLATE AGENCY IN A COUNTY.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Goss; and Jones:

S.B. 61, A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN SCHOOL SYSTEMS A PERMANENT WAIVER FROM THE REQUIRED SCHOOL OPENING AND CLOSING DATES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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By Senators Forrester; and Jones:

S.B. 62, 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.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Forrester; Hartsell and Jones:

S.B. 63, 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.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Forrester:

S.J.R. 64, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE INCIDENCE OF MEDICAL ERRORS IN HEALTH CARE SETTINGS, THE IMPACT MEDICAL ERRORS HAVE ON PATIENT SAFETY, AND THE BENEFITS OF MANDATORY REPORTING OF MEDICAL ERRORS.

The joint resolution is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Forrester:

S.B. 65, A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST SENATORIAL DISTRICT.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Forrester, Purcell; and Jones:

S.J.R. 66, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE KNOWN ENVIRONMENTAL CAUSES AND TRIGGERS OF CANCER.

The joint resolution is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Boseman:

S.B. 67, A BILL TO BE ENTITLED AN ACT TO CLARIFY TYPES OF NUISANCES WHEREIN OBSCENE OR LEWD MATTER OR OTHER CONDUCT PROHIBITED IS INVOLVED.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

CALENDAR

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

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S.J.R. 33, A JOINT RESOLUTION HONORING THE APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM ON WINNING ITS SECOND STRAIGHT NATIONAL CHAMPIONSHIP AND HONORING THE MEMORY OF DR. LOWELL FURMAN.

**RECOGNITION OF THE APPALACHIAN STATE UNIVERSITY
MOUNTAINEERS FOOTBALL TEAM**

With unanimous consent, upon motion of Senator Rand, the privileges of the floor are extended to Chancellor Ken Peacock, the members of the Appalachian State University Mountaineers football team, 2006 Division I-AA Football Champions and coaches. Senator Goss, Senator Hoyle, Senator Nesbitt, Senator Forrester, Senator Queen, Senator Dalton, Senator Hagan, Senator Apodaca, Senator Garrou, and Senator Snow are appointed to escort the members of the football team, coaches, and school officials to the Well of the Senate.

The joint resolution passes its second reading (45-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

The Chair recognizes Chancellor Peacock and Coach Jerry Moore who address the Senate. The following players and coaches introduce themselves: Josh Achor; Mario Acitelli; Pierre Banks; Daniel Bettis; Jonathon Bieschke; Larry Blackwood; Philip Bould; Seth Breitenstein; Kerry Brown; Omarr Byrom; Nick Cardwell; Matt Cline; Brad Coley; Matt Corbin; TJ Courman; Josh Davis; Travis Dowda; Armanti Edwrads; Blake Elder; Trey Elder; Daniel Finnerty; BJ Frazier; TJ Freeman; Cortez Gilbert; Clayton Hall; Brad Hardee; Nick Harding; Corbett Harris; Coco Hillary; JT Holleman; John Holt; Titus Howard; Brett Irvin; Dexter Jackson; Josh Jackson; Chris Johnson; Josh Johnson; Justin Johnson; Matt Isenhour; Adam Kassouf; Jordan Kelly; Daniel Kilgore; Brandon Knox; Chase Laws; Leonard Love; Calan Lynch; Corey Lynch; William Mayfield; Colin McDonald; Ellis McDowell; Clay McKnight; Rafael McIlwain; Pat Mills; Mitch Mitchener; Devon Moore; Marques Murrall; Jacob Newton; Jim Bob Norman; Daniel Orlebar; Daniel Pratl; Julian Rauch; Kevin Richardson; Billy Riddle; Jeremy Robertson; Tony Robertson; Jacque Roman; Cory Rycroft; John Sevier; Brandon Simpkins; Monte Smith; Cam Speer; Kyle Speight; Hunter Stewart; Scott Suttle; Olafur Torfason; Jason Vitaris; Tavaris Washington; Robert Welton; Coad Westra; Jeremy Wiggins; Anthony Williams; Dominique Wilson; Justin Woazeah; Neil Young; Lonnie Galloway, Receivers Coach; Chris Moore, Running Back Coach; Matt Stevens, Defensive Assistant; Jeff Dillman, Strength Coach; Reggie Hunt, Team Pastor; Ross Grall, Graduate Assistant; and John Mark Hamilton, Student Coach.

The Chair extends courtesies of the gallery to Jim and Delores Furman, family of Dr. Lowell Furman.

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The Chair recognizes the Committee to escort the guests from the Chamber.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 37, A JOINT RESOLUTION HONORING THE APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM ON WINNING ITS SECOND STRAIGHT NATIONAL CHAMPIONSHIP AND HONORING THE MEMORY OF DR. LOWELL FURMAN.

Upon motion of Senator Rand, the Rules are suspended and the House Joint Resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (42-0) and third readings and is ordered enrolled.

Upon motion of Senator Rand, seconded by Senator Hoyle, the Senate adjourns at 4:01 P.M. to meet Wednesday, February 7, at 2:00 P.M.

NINTH DAY

Senate Chamber
Wednesday, February 7, 2007

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:

"Sometimes, O God, we don't say exactly what we mean. A friend of mine had just completed a series of sermons at a church when a member of that congregation came up to him and offered the following misguided compliment. 'Pastor,' he said, 'every sermon you've preached was better than the next one.' So early in this Legislative Session, maybe there's a lesson there for all of us. Help us to get better each day in our service to you and others. Amen."

The Chair grants leaves of absence for today to Senator Apodaca, Senator Berger of Franklin, Senator Lucas, Senator Malone and Senator Smith.

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Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, February 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Cammy Benton from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Janice Joyce from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Goss; Boseman, Goodall and Jones:

S.B. 68, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN CHILD PORNOGRAPHY LAWS BY AMENDING THE DEFINITION OF SEXUAL ACTIVITY AND EXPANDING THE SCOPE OF CERTAIN PORNOGRAPHY LAWS, INCREASING THE PENALTY FOR FIRST, SECOND, AND THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, INCREASING THE PENALTY FOR SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT, AND INCREASING THE PENALTY FOR A SECOND OR SUBSEQUENT OFFENSE OF TAKING INDECENT LIBERTIES WITH CHILDREN.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Goss; Boseman and Jones:

S.B. 69, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A RETAIL OR WHOLESALE FILM PROCESSOR, PHOTO FINISHER, OR COMPUTER TECHNICIAN WHO, IN THE COURSE OF WORK, ENCOUNTERS AN IMAGE OF A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE CUSTOMER REQUESTING THE DEVELOPMENT OF THE FILM OR IN POSSESSION OF THE COMPUTER TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN AND TO THE APPROPRIATE LOCAL LAW ENFORCEMENT OFFICER.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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

S.B. 70, A BILL TO BE ENTITLED AN ACT TO REDUCE THE WAITING PERIOD FOR RETIRED TEACHERS RETURNING TO THE

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CLASSROOM WITHOUT LOSS OF BENEFITS, TO REMOVE THE SUNSET ON ALLOWING TEACHERS TO RETURN TO THE CLASSROOM WITHOUT LOSS OF BENEFITS, AND TO DIRECT THE RETIREMENT SYSTEMS DIVISION TO STUDY THE FEASIBILITY OF ESTABLISHING INNOVATIVE PROGRAMS FOR RETIRED TEACHERS THAT SUPPORT THEIR RETURN TO WORK AND REDUCE CLASSROOM TEACHER SHORTAGES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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

S.B. 71, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR ESTABLISHING THE NORTH CAROLINA STATE RETIREES HEALTH BENEFITS TRUST FUND.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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

S.B. 72, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF DAMAGES THAT MAY BE AWARDED IN CIVIL ACTIONS AGAINST HEALTH CARE PROVIDERS FOR HEALTH CARE LIABILITY CLAIMS, TO OTHERWISE REFORM HEALTH CARE LIABILITY, AND TO MAKE CONFORMING CHANGES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Dalton; Atwater, Boseman, Foriest, Goss, Hoyle, Jones and Queen:

S.B. 73, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Purcell:

S.B. 74, A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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By Senators Albertson; Atwater, Bingham, Jenkins, Kerr, Soles and Weinstein:

S.B. 75, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA SPECIALTY CROPS PROGRAM.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Albertson:

S.B. 76, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ROSE HILL COMMUNITY MEMORIAL LIBRARY.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Albertson:

S.B. 77, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DUPLIN COUNTY VETERANS MUSEUM.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Forrester and Hoyle:

S.B. 78, 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.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Tillman; Apodaca, Atwater, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hartsell, Pittenger and Weinstein:

S.B. 79, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEER SEASONS AND REMOVE BAG LIMITS ON DEER IN ORDER TO REDUCE THE DEER POPULATION IN THE STATE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Tillman; Apodaca, Atwater, Bingham, Blake, Boseman, Brock, Brunstetter, East, Forrester, Goodall, Hartsell, Hoyle, Hunt, Jones, Pittenger, Stevens and Weinstein:

S.B. 80, 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.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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ENROLLED BILLS AND RESOLUTIONS

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

H.J.R. 37, A JOINT RESOLUTION HONORING THE APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM ON WINNING ITS SECOND STRAIGHT NATIONAL CHAMPIONSHIP AND HONORING THE MEMORY OF DR. LOWELL FURMAN. (Res. 2)

EXECUTIVE ORDERS

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

Executive Order Number 116: Termination of Executive Order No. 1, and Designation of Certain State Employees as Covered "Public Servants" Under the State Government Ethics Act.

Upon motion of Senator Dannelly, seconded by Senator Purcell, the Senate adjourns subject to announcement of committee appointments, to meet Thursday, February 8, at 9:00 A.M.

2007-2008 SENATE COMMITTEE APPOINTMENTS

Pursuant to Senate Rules 31 and 32, Senator Basnight, President *Pro Tempore*, announces the following appointments of the Committee Chairs and Committee Members for the 2007-2008 Session:

Agriculture/Environment/Natural Resources

Chairman	Senator Albertson
Vice Chairman	Senator Allran
Vice Chairman	Senator Atwater
Vice Chairman	Senator Cowell
Vice Chairman	Senator Kinnaird
Vice Chairman	Senator Swindell
Vice Chairman	Senator Weinstein
Members	Senators Bingham, Brock Brown, Clodfelter, East, Hartsell, Jenkins, Jones, Preston, Queen, Smith, Snow, Tillman,

Appropriations/Base Budget

Co-Chairman	Senator Dalton
Co-Chairman	Senator Garrou

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Co-Chairman	Senator Hagan
Vice Chairman	Senator Albertson
Vice Chairman	Senator Dannelly
Members	Senators Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dorsett, East, Foriest, Forrester, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Lucas, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Weinstein

Appropriations on Department of Transportation

Chairman	Senator Jenkins
Vice Chairman	Senator Soles
Members	Senators Berger of Rockingham, East, Hoyle, Shaw

Appropriations on Education/Higher Education

Co-Chairman	Senator Boseman
Co-Chairman	Senator Stevens
Co-Chairman	Senator Swindell
Members	Senators Foriest, Hartsell

Appropriations on Health and Human Services

Co-Chairman	Senator Berger of Franklin
Co-Chairman	Senator Purcell
Members	Senators Blake, Dannelly, Forrester, Goss

Appropriations on Information Technology and General Government

Co-Chairman	Senator Cowell
Co-Chairman	Senator Dorsett
Members	Senators Brock, Graham, Hunt, Kerr, Smith

Appropriations on Justice and Public Safety

Co-Chairman	Senator Kinnaird
Co-Chairman	Senator Snow
Vice Chairman	Senator Clodfelter
Members	Senators Apodaca, Bingham, Brunstetter, Rand

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Appropriations on Natural and Economic Resources

Chairman Senator Weinstein
Vice Chairman Senator Albertson
Members Senators Brown, Jacumin,
 Jones

Appropriations on Public Instruction

Co-Chairman Senator Lucas
Co-Chairman Senator Malone
Co-Chairman Senator Queen
Members Senators Atwater, Nesbitt,
 Preston, Tillman

Commerce, Small Business and Entrepreneurship

Chairman Senator Soles
Vice Chairman Senator Hoyle
Vice Chairman Senator Rand
Members Senators Apodaca, Berger of
 Franklin, Berger of Rockingham,
 Boseman, Blake, Dalton, Dorsett,
 Foriest, Forrester, Garrou, Goodall,
 Goss, Graham, Hagan, Hunt, Jacumin,
 Kerr, Malone, Nesbitt, Pittenger,
 Purcell, Shaw, Stevens

Education/Higher Education

Chairman Senator Swindell
Co-Chairman Senator Boseman
Co-Chairman Senator Stevens
Members Senators Allran, Berger of
 Rockingham, Bingham, Cowell,
 Foriest, Garrou, Hartsell, Hoyle, Hunt,
 Jenkins, Purcell, Rand, Snow

Education/Public Instruction

Chairman Senator Lucas
Co-Chairman Senator Malone
Co-Chairman Senator Queen
Members Senators Apodaca, Atwater, Berger of
 Franklin, Brown, Dalton, Dannelly,
 Dorsett, Forrester, Goodall, Goss,
 Graham, Hagan, Jones, Nesbitt,
 Preston, Smith, Tillman

February 7, 2007

Finance

Co-Chairman	Senator Clodfelter
Co-Chairman	Senator Hoyle
Co-Chairman	Senator Kerr
Vice Chairman	Senator Hartsell
Vice Chairman	Senator Shaw
Members	Senators Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Garrou, Goodall, Goss, Hunt, Jenkins, Kinnaird, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Smith, Soles, Stevens, Swindell, Tillman, Weinstein

Finance Subcommittee on Capital and Infrastructure Financing

Chairman	Senator Clodfelter
Members	Senators Brunstetter, Cowell, Hartsell, Hoyle, Kerr, Soles, Stevens

Health Care

Co-Chairman	Senator Bingham
Co-Chairman	Senator Purcell
Vice Chairman	Senator Dorsett
Vice Chairman	Senator Foriest
Vice Chairman	Senator Forrester
Members	Senators Atwater, Berger of Franklin, Blake, Brunstetter Dannelly, Hagan, Hartsell, Hoyle, Jacumin, Jones, Kinnaird, Malone, Nesbitt, Rand,

Information Technology

Co-Chairman	Senator Cowell
Co-Chairman	Senator Dorsett
Vice Chairman	Senator Graham
Members	Senators Apodaca, Berger of Franklin, Berger of Rockingham, Brock, Goss, Hartsell, Kerr, Queen

Judiciary I (Civil)

Chairman	Senator Nesbitt
Vice Chairman	Senator Berger of Rockingham
Vice Chairman	Senator Clodfelter
Vice Chairman	Senator Soles
Members	Senators Albertson, Boseman, Brock, Brown, Brunstetter, Cowell, Graham, Hoyle, Jenkins, Kinnaird, Malone, Rand, Stevens, Tillman

February 7, 2007

Judiciary II (Criminal)

Chairman Senator Hartsell
Vice Chairman Senator Berger of Franklin
Vice Chairman Senator Allran
Vice Chairman Senator Jones
Members Senators Apodaca, Atwater, Bingham,
Dalton, Dannelly, Dorsett, Goodall,
Jacumin, Kerr, Queen, Snow, Swindell

Mental Health/Youth Services

Co-Chairman Senator Atwater
Co-Chairman Senator Kinnaird
Vice Chairman Senator Nesbitt
Members Senators Dannelly, Forrester, Jacumin,
Malone, Preston, Purcell, Shaw, Snow,
Swindell

Pensions, Retirement & Aging

Co-Chairman Senator Dalton
Co-Chairman Senator Garrou
Co-Chairman Senator Hagan
Members Senators Albertson, Atwater, Bingham,
Brock, Clodfelter, Cowell, Dorsett,
East, Foriest, Forrester, Jenkins,
Malone, Purcell, Queen, Stevens,
Swindell

Rules and Operations of the Senate

Chairman Senator Rand
Vice Chairman Senator Dalton
Members Senators Albertson, Apodaca, Brock,
Berger of Rockingham, Boseman,
Brunstetter, Clodfelter, Dorsett,
Forrester, Hartsell, Hoyle, Jones,
Kinnaird, Nesbitt, Soles, Stevens,
Swindell, Weinstein

State & Local Government

Co-Chairman Senator Graham
Co-Chairman Senator East
Vice Chairman Senator Dorsett
Members Senators Albertson, Apodaca,
Berger of Rockingham, Blake,
Boseman, Brunstetter, Jones,
Malone, Queen, Soles, Stevens,
Smith

February 7, 2007

Transportation

Chairman	Senator Shaw
Vice Chairman	Senator Goss
Vice Chairman	Senator Jenkins
Members	Senators Allran, Berger of Rockingham, Brown, Cowell, East, Goodall, Graham, Hunt, Kerr, Preston, Queen, Snow, Soles, Stevens, Swindell, Tillman, Weinstein

Ways and Means

Chairman	Senator Dannelly
Vice Chairman	Senator Weinstein
Members	Senators Albertson, Allran Forrester, Hartsell, Hoyle, Hunt, Jenkins, Kerr, Lucas, Malone, Swindell

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 2:27 P.M.

TENTH DAY

Senate Chamber
Thursday, February 8, 2007

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

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

"Our Father, it seems the world would judge us strictly by what we accomplish. But your kingdom's business, O Lord, is measured by a different standard. It is not what we accomplish but what we overcome that really matters. We pray for those in the Senate and their families who are facing some pretty big obstacles, Senator Lucas, Senator Basnight's wife. We know that there are some unanswered prayers so far and there are others in the Senate family who may also have some very different obstacles right now. Help them and us even against great odds to be overcomers in spirit. Then we shall experience a peace that passes all understanding no matter our circumstances. Amen."

February 8, 2007

The Chair grants leaves of absence for today to Senator Apodaca, Senator Brunstetter, Senator Garrou, Senator Lucas, Senator Malone, Senator Smith, Senator Soles and Senator Weinstein.

Senator Rand announces that the Journal of Wednesday, February 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Julia M. Cruz from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Nansi Greger-Holt from Pittsboro, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

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

S.J.R. 33, A JOINT RESOLUTION HONORING THE APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM ON WINNING ITS SECOND STRAIGHT NATIONAL CHAMPIONSHIP AND HONORING THE MEMORY OF DR. LOWELL FURMAN. (Res. 3)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 8, 2007

Madame President:

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

Democratic Whips: Larry M. Bell
 Jean Farmer-Butterfield
 Deborah K. Ross

Democratic Freshman Caucus Chairman: Larry D. Hall

Respectfully,
S/Denise G. Weeks
Principal Clerk

February 8, 2007

CHANGES TO 2007 SENATE COMMITTEES

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

Senator Foriest is appointed to the **Information Technology Committee**.

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

Senator Atwater is removed from the **Education/Public Instruction** and the **Appropriations Subcommittee on Education/Public Instruction**.

Upon motion of Senator Rand, seconded by Senator Queen, the Senate adjourns subject to introduction of bills and resolutions, to meet Monday, February 12, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Purcell; Allran, Atwater, Boseman, Dorsett, Forrester, Kinnaird, Rand and Snow:

S.B. 81, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR REDUCING PRETERM BIRTHS AND FOR SIDS RISK REDUCTION EFFORTS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Allran; Atwater, Bingham, Blake, Boseman, Brown, Clodfelter, Dalton, Forrester, Goodall, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Purcell, Queen, Shaw, Snow, Soles, Stevens and Weinstein:

S.B. 82, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF ENDANGERING A JUVENILE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Snow; Purcell and Rand:

S.B. 83, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF DOMESTIC CRIMINAL TRESPASS BY MAKING IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER TO TRESPASS ON PROPERTY THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD

February 8, 2007

AS TO WHETHER THE PERSONS COVERED BY THE PROTECTIVE ORDER ARE PRESENT ON THE PREMISES AND TO PROVIDE THAT IT IS AN AGGRAVATING CIRCUMSTANCE FOR FIRST DEGREE MURDER IF A DEFENDANT WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER COMMITS A MURDER ON THE PREMISES OF A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Weinstein; Albertson, Apodaca, Bingham, Dannelly, Garrou, Goss, Hoyle, Jenkins, Kerr, Kinnaird, Purcell, Rand, Shaw, Snow, Soles and Tillman:

S.B. 84, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Weinstein; Albertson, Apodaca, Bingham, Dannelly, Garrou, Goss, Hoyle, Jenkins, Kerr, Kinnaird, Purcell, Rand, Shaw, Snow, Soles and Tillman:

S.B. 85, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Pittenger; Berger of Rockingham, Bingham, Blake, Brock, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Kinnaird, Preston, Smith, Stevens and Tillman:

S.B. 86, A BILL TO BE ENTITLED AN ACT TO ALLOW CHARTER SCHOOLS TO SHARE IN LOTTERY PROCEEDS ON THE SAME BASIS AS OTHER PUBLIC SCHOOLS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Boseman; Albertson, Apodaca, Atwater, Bingham, Blake, Brown, Brunstetter, Dalton, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hoyle, Hunt, Jenkins, Jones, Kerr, Purcell, Queen, Rand, Snow, Soles, Swindell, Tillman and Weinstein:

S.B. 87, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISSEMINATION OF OBSCENE AND GRAPHICALLY VIOLENT VIDEO GAMES TO MINORS AND TO REQUIRE VIDEO GAME RETAILERS TO INFORM CONSUMERS THAT A VIDEO GAME RATING SYSTEM IS AVAILABLE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

February 8, 2007

By Senators Kinnaird; Cowell, Dorsett, Graham, Malone, Nesbitt, Shaw and Weinstein:

S.B. 88, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXISTING LAW ON ADMINISTRATION OF OATHS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Kinnaird; Atwater, Cowell, Dannelly, Dorsett, Graham, Malone, Nesbitt, Purcell and Shaw:

S.B. 89, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON LETHAL INJECTION AND TO DELAY THE SETTING OF EXECUTIONS FOR A DEFINITE PERIOD UNTIL THE STUDY IS COMPLETED.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Kinnaird; Allran, Atwater, Bingham, Dorsett and Weinstein:

S.B. 90, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADOPTIVE PARENT AND A BIRTH RELATIVE TO ENTER INTO A WRITTEN AGREEMENT TO PROVIDE FOR POST-ADOPTION CONTACT AND COMMUNICATION AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH AND TO MAKE OTHER CONFORMING STATUTORY CHANGES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Jacumin, Bingham; Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Cowell, Dalton, East, Forrester, Garrou, Hagan, Hunt, Jones, Preston, Queen, Snow, Stevens, Tillman and Weinstein:

S.B. 91, A BILL TO BE ENTITLED AN ACT TO PROVIDE ENHANCED ECONOMIC DEVELOPMENT INCENTIVES TO ENDANGERED MANUFACTURERS, TO PROVIDE PROPERTY TAX EXCLUSIONS FOR ENDANGERED MANUFACTURERS, TO CLARIFY THAT A LOW-PROFIT LIMITED LIABILITY COMPANY IS A LIMITED LIABILITY COMPANY UNDER STATE LAW, TO ESTABLISH THE NORTH CAROLINA FURNITURE FUND TO RECEIVE STATE AND FEDERAL FUNDING FOR THE FURNITURE INDUSTRY, TO ESTABLISH THE NORTH CAROLINA FURNITURE COUNCIL TO ADMINISTER THE FUND, AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, TO APPROPRIATE FUNDS TO ESTABLISH THE FURNITURE TECHNOLOGY CENTER, TO PROVIDE FOR ADDITIONAL PENALTIES FOR THE UNAUTHORIZED DISCLOSURE OF TRADE SECRETS, AND TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO REGULATION UNDER THE BUILDING CODE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

February 8, 2007

By Senators Bingham; Berger of Rockingham, Boseman, Garrou, Hagan, Jones, Purcell, Rand and Stevens:

S.B. 92, A BILL TO BE ENTITLED AN ACT TO REQUIRE OWNERS OF DANGEROUS AND POTENTIALLY DANGEROUS DOGS TO ACQUIRE LIABILITY INSURANCE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Bingham; Albertson, Apodaca, Atwater, Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hagan, Hunt, Jacumin, Jones, Pittenger, Preston, Purcell, Rand, Smith, Stevens and Tillman:

S.B. 93, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE CAPITAL FACILITIES PROGRAM BY DIRECTING THE STATE BUILDING COMMISSION TO REVIEW THE PROGRAM AND IMPLEMENT MEASURES TO REDUCE DELAYS AND INCREASE ACCOUNTABILITY AMONG THE PARTIES TO THE DESIGN AND CONSTRUCTION PROCESS, BY INCREASING THE BIDDING, BONDING, AND DESIGNER SELECTION THRESHOLDS FOR STATE CONSTRUCTION CONTRACTS, BY DIRECTING THE STATE PERSONNEL OFFICE TO CONDUCT A MARKET STUDY OF ARCHITECT AND ENGINEERING POSITION CLASSIFICATIONS, AND BY APPROPRIATING FUNDS FOR ADDITIONAL PLAN REVIEW AND ENFORCEMENT PERSONNEL AT THE DEPARTMENT OF INSURANCE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Dorsett:

S.B. 94, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Dorsett:

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

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senator Goss:

S.B. 96, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE CREATION OF FAMILY ASSISTANCE CENTERS TO BENEFIT MILITARY PERSONNEL AND THEIR FAMILIES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

February 8, 2007

By Senators Dalton; Albertson, Hoyle and Purcell:

S.J.R. 97, A JOINT RESOLUTION HONORING NORTH CAROLINA NATIVES DON GIBSON AND EARL SCRUGGS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Weinstein; Blake and Kinnaird:

S.B. 98, A BILL TO BE ENTITLED AN ACT TO ADJUST LEGISLATIVE COMPENSATION, WHICH HAS REMAINED UNCHANGED SINCE 1994.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Dannelly, Dorsett, Allran, Bingham, Malone; Forrester, Graham, Hartsell, Purcell, Soles, Swindell and Weinstein:

S.B. 99, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF FACILITY SERVICES, FOR THE WIN A STEP UP PROGRAM FOR NURSE AIDES EMPLOYED BY NURSING HOMES, AND FOR A PILOT OF THE WIN A STEP UP PROGRAM FOR NURSE AIDES EMPLOYED BY HOME CARE AGENCIES, AND TO REQUIRE A STUDY OF THE FEASIBILITY OF BECOMING A SELF-SUSTAINING PROGRAM, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Dannelly; Clodfelter, Dorsett, Forrester, Graham, Hartsell, Malone, Purcell and Soles:

S.B. 100, 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.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Dannelly; Clodfelter, Dorsett, Forrester, Goodall, Graham, Hartsell, Malone, Pittenger, Purcell, Rand, Soles, Swindell and Weinstein:

S.J.R. 101, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES FRANKLIN "JIM" RICHARDSON, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Dannelly; Clodfelter, Dorsett, Forrester, Goodall, Graham, Hartsell, Malone, Pittenger, Purcell, Rand, Soles, Swindell and Weinstein:

S.J.R. 102, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HERMAN AUBREY MOORE, JR., FORMER MEMBER OF

THE GENERAL ASSEMBLY AND PRESIDENT PRO TEMPORE OF THE SENATE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Goodall; Bingham, Forrester, Hoyle and Purcell:

S.B. 103, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A PROSTATE CANCER AWARENESS SPECIAL REGISTRATION PLATE.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Goodall; Allran, Blake, Brock, Brown, Brunstetter, Pittenger, Smith and Tillman:

S.B. 104, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ESTATE AND GIFT TAXES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Goodall; Allran, Blake, Brock, Pittenger, Smith, Stevens and Tillman:

S.B. 105, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO PROVIDE FUNDS TO CHARTER SCHOOLS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Goodall; Allran, Blake, Brock, Pittenger, Smith and Tillman:

S.B. 106, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Goodall; Allran, Blake, Brock, Brown, Pittenger, Smith and Tillman:

S.B. 107, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BETTER DISCLOSURE OF SPECIAL PROVISIONS IN APPROPRIATIONS AND FINANCE BILLS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Malone, Dannelly, Dorsett, Allran and Bingham:

S.B. 108, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENACT A PILOT PROGRAM TO ASSESS PROPOSED CHANGES TO THE ADULT PROTECTIVE SERVICES STATUTES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

February 8, 2007

By Senators Malone, Dannelly, Dorsett, Allran and Bingham:

S.B. 109, 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 ADDITIONAL STAFFING, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Malone, Dannelly, Dorsett, Allran and Bingham:

S.B. 110, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW OPTIONS FOR INCREASING MEDICAID MEDICALLY NEEDY INCOME LIMITS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Cowell, Jacumin; Atwater, Brown, Graham and Stevens:

S.B. 111, A BILL TO BE ENTITLED AN ACT TO PROVIDE ACCESS TO ANY ADULT ADOPTEE OR ADULT LINEAL DESCENDANT OF A DECEASED ADOPTEE WHO REQUESTS A CERTIFIED COPY OF THE ADOPTEE'S ORIGINAL CERTIFICATE OF BIRTH.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Malone, Allran, Cowell, Atwater, Dorsett, Hagan, Jacumin, Stevens; Albertson, Bingham, Clodfelter and Dannelly:

S.B. 112, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE E-NC AUTHORITY TO INCREASE THE AVAILABILITY OF INTERNET CONNECTIVITY IN UNDERSERVED AREAS OF THE STATE THROUGH INCENTIVE GRANTS, TO PROVIDE ADDITIONAL FUNDING FOR GENERAL OPERATIONS, TO EXPAND THE FUNDING FOR THE E-NC BUSINESS AND TECHNOLOGY TELECENTERS PROGRAM, AND TO PROVIDE INCENTIVES TO E-COMMUNITIES, LOCAL E-GOVERNMENT UTILIZATION PROGRAM PARTICIPANTS, AND E-COMMERCE INITIATIVES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 9:25 A.M.

February 8, 2007

ELEVENTH DAY

Senate Chamber
Monday, February 12, 2007

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 pray your blessings and guidance on the Senate's proceedings this week, O God, a week beginning on a day when we honor the memory of President Abraham Lincoln on his birthday. Each of us here has a favorite Lincoln story or quote, but nothing Mr. Lincoln said gets at the heart of being an elected official and servant of the people more poignantly than these words he offered to the Missouri Committee of Seventy in 1864. He said, 'I desire so to conduct the affairs of this administration that if at the end when I come to lay down the reigns of power I have lost every other friend on earth, I shall have at least one friend left and that friend shall be down inside of me.' So grateful of his reflection, O Lord, Amen."

The Chair grants leaves of absence for tonight to Senator Apodaca, Senator Berger of Rockingham, Senator Jenkins, Senator Kinnaird and Senator Lucas.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, February 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Warner Hall from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Justine Nixon from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

SENATE PAGES

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

Jonathan Beasley, Edenton; Justin Clinard, Charlotte; LaRoy Dubois II, Greensboro; Jennifer Hodshon, Cary; Brittney Jackson, King; Kenneth Lathan, Raeford; Ian O'Gorman, Clayton; Kari Strickland, Ellenboro; and Erica Vines, Durham.

Upon motion of Senator Basnight, seconded by Senator Clodfelter, the Senate adjourns subject to introduction of bills and resolutions, and reading of letters from the governor, to meet Tuesday, February 13, at 2:00 P.M.

February 12, 2007

MESSAGE FROM THE GOVERNOR

The following special message is received from the Governor:

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

MICHAEL F. EASLEY
GOVERNOR

January 23, 2007

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute § 62-10(g), I hereby appoint Edward S. Finley to serve on an interim basis as a member of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. Mr. Finley's term shall begin upon his taking the oath of office as required by General Statute § 62-11, and, upon confirmation, will expire June 30, 2011.

Mr. Finley will fill the seat formerly held by Jo Anne Sanford.

Enclosed is biographical information on this appointee. Please feel free to call on him or members of my staff if you need additional information.

With kindest regards, I remain

Very truly yours,
S/ Michael F. Easley

MFE: as

Enclosure

c: The Honorable Marc Basnight
The Honorable James Black
The Honorable Beverly Perdue
Ms. Denise Weeks

February 12, 2007

MESSAGE FROM THE GOVERNOR

The following special message is received from the Governor:

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

MICHAEL F. EASLEY
GOVERNOR

January 31, 2007

The Honorable Marc Basnight
The Honorable Joe Hackney
NC General Assembly
Raleigh, NC 27601

Dear President Pro-Tem Basnight and Speaker Hackney

Pursuant to G.S. § 53-92, I write to submit to you the name of Mr. Joseph A. Smith, Jr. for reappointment and reconfirmation as Commissioner of the North Carolina Banking Commission effective April 1, 2007. Mr. Smith has served as Commissioner of Banks since June 1, 2002 when he was appointed to fill the unexpired term of Mr. Hal Lingerfelt. He completed that term and, following confirmation, has served a full term since April 1, 2003.

Enclosed are copies of Mr. Smith's resume and the evaluation of his current statement of economic interest. If further information is needed or desired, please feel free to contact Franklin Freeman, Senior Assistant for Governmental Affairs at (919) 733-6184, or Sara Allen, Director of Boards and Commissions at (919) 715-0966.

With kindest regards, I remain

Very truly yours,
S/Michael F. Easley

MFE: as
Enclosures

cc: Ms. Janet Pruitt
Ms. Denise Weeks

February 12, 2007

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Brown; and Preston:

S.B. 113, 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 Berger of Rockingham; Bingham, Goodall, and Jacumin:

S.B. 114, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ASSISTANCE RENDERED BY ANY HEALTH CARE PROFESSIONAL IN THE PROCESS OF A LAWFUL EXECUTION BY THE STATE DOES NOT RESULT IN DISCIPLINARY OR CORRECTIVE ACTION BY ANY STATE AUTHORIZED BOARD OR AUTHORITY, AND TO EXCLUDE THE ADMINISTRATION OF CONTROLLED SUBSTANCES USED IN AN EXECUTION FROM THE PRACTICE OF MEDICINE.

Referred to the **Judiciary I Committee**.

By Senator Snow:

S.B. 115, A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE FOR FUTURE ELECTED MEMBERS OF THE CHEROKEE COUNTY BOARD OF EDUCATION FROM SIX YEARS TO FOUR YEARS.

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

By Senator Dalton:

S.B. 116, A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED FOUR-YEAR TERMS FOR THE ELLENBORO TOWN COUNCIL, AND A FOUR-YEAR TERM FOR MAYOR.

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

By Senator Rand:

S.B. 117, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTRACT WITH A CONSULTING FIRM TO STUDY ALL OF THE DEPARTMENT'S COUNTY ALLOCATION FORMULAS.

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

By Senators Rand; and Goodall:

S.B. 118, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO DECLARE A VACANCY IN THE OFFICE OF DISTRICT COURT JUDGE, SUPERIOR COURT JUDGE, JUDGE OF THE COURT OF APPEALS, JUSTICE OF THE SUPREME COURT, OR DISTRICT

ATTORNEY WHEN THE INCUMBENT DOES NOT HAVE THE LEGAL RIGHT TO EXERCISE ITS FUNCTIONS.

Referred to the **Judiciary I Committee**.

By Senators Rand; Brown, Goodall, and Preston:

S.B. 119, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT EMPLOYEES OF THE DEPARTMENT OF DEFENSE AND THEIR DEPENDENTS SHALL QUALIFY FOR THE IN-STATE TUITION RATE.

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

By Senator Rand:

S.B. 120, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO PROVIDE FUNDS FOR ONLY ONE LOCAL SCHOOL ADMINISTRATIVE UNIT PER COUNTY.

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

REFERRAL OF BILLS

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

By Senators Snow, Nesbitt; Allran, Apodaca, Bingham, Boseman, Cowell, Dannelly, Goodall, Goss, Kinnaird and Queen:

S.B. 2, 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 Albertson; Allran, Atwater, Bingham, Boseman, Cowell, Dalton, Jenkins, Kinnaird, Purcell, Queen, Snow, Stevens, Tillman and Weinstein:

S.B. 3, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A TEN PERCENT RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS).

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

By Senators Snow; Apodaca, Goodall and Jenkins:

S.B. 4, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SHERIFFS TO INSPECT PRESCRIPTION PROFILES AND STOCKS OF CONTROLLED SUBSTANCES.

Referred to the **Judiciary II Committee**.

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By Senators Snow; Boseman, Goodall and Jenkins:

S.B. 5, A BILL TO BE ENTITLED AN ACT TO ADD METHADONE AND OTHER SCHEDULE II DRUGS TO COCAINE AND METHAMPHETAMINE AS CONTROLLED SUBSTANCES WHICH, IF UNLAWFULLY DISTRIBUTED AND CAUSE A DEATH, ALLOW FOR A CHARGE OF SECOND DEGREE MURDER.

Referred to the **Judiciary II Committee**.

By Senators Hoyle; Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Boseman, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Garrou, Goodall, Graham, Hagan, Jenkins, Jones, Kerr, Kinnaird, Nesbitt, Purcell, Queen, Rand, Snow, Soles, Stevens, Swindell and Weinstein:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR A ONE-DAY ORGANIZATIONAL SESSION FOLLOWED BY AN EXTENDED RECESS.

Referred to the **Judiciary I Committee**.

By Senators Hoyle; Allran, Atwater, Bingham, Cowell, Dalton, Dannelly, Forrester, Graham, Jenkins, Purcell, Shaw, Snow, Stevens, Swindell and Tillman:

S.B. 7, 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** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Boseman; Cowell, Jenkins, Kinnaird and Snow:

S.B. 8, A BILL TO BE ENTITLED AN ACT TO INCREASE THE "SAFE ZONES" NEAR CHILD CARE CENTERS AND SCHOOL GROUNDS REGARDING ILLEGAL DRUG SALES FROM THREE HUNDRED FEET TO ONE THOUSAND FEET, TO EXPAND THE "SAFE ZONE" FOR PUBLIC PARKS TO INCLUDE ALL PUBLIC PARKS, NOT JUST THOSE WITH PLAYGROUNDS AND TO INCREASE THE DISTANCE OF THOSE SAFE ZONES TO ONE THOUSAND FEET, TO INCREASE THE PENALTIES FOR CARRYING A DEADLY WEAPON ON EDUCATIONAL PROPERTY, AND TO MAKE IT A CRIMINAL OFFENSE TO POSSESS OR CARRY A GUN, RIFLE, OR PISTOL IN A PUBLIC PARK, IN ANY CHILD CARE CENTER, OR ON ANY PLAYGROUND.

Referred to the **Judiciary I Committee**.

By Senators Boseman; Atwater, Cowell, Dannelly, Goodall and Jenkins:

S.B. 9, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON SUBJECT TO A DOMESTIC VIOLENCE PROTECTIVE ORDER IS PROHIBITED FROM PURCHASING A FIREARM.

Referred to the **Judiciary I Committee**.

By Senators Boseman; Atwater, Cowell, Goodall, Jenkins and Snow:

S.B. 10, A BILL TO BE ENTITLED AN ACT TO CREATE A FELONY OFFENSE FOR PERSONS WHO KNOWINGLY VIOLATE A DOMESTIC VIOLENCE PROTECTIVE ORDER WHILE ARMED WITH A DEADLY WEAPON.

Referred to the **Judiciary I Committee**.

By Senators Boseman; Goodall and Jenkins:

S.B. 11, A BILL TO BE ENTITLED AN ACT TO CLARIFY TYPES OF NUISANCES WHEREIN OBSCENE OR LEWD MATTER OR OTHER CONDUCT PROHIBITED IS INVOLVED.

Referred to the **Judiciary I Committee**.

By Senators Boseman; Goodall and Jenkins:

S.B. 12, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS.

Referred to the **Judiciary I Committee**.

By Senators Forrester, Smith; Allran, Apodaca, Berger of Rockingham, Bingham, Brock, Brown, Brunstetter, East, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Preston, Snow and Tillman:

S.B. 13, 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 **Ways & Means Committee**.

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

S.B. 14, A BILL TO BE ENTITLED AN ACT TO IMPOSE CONSTITUTIONAL LIMITS ON THE GROWTH OF THE STATE BUDGET.

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

By Senator Soles:

S.B. 15, A BILL TO BE ENTITLED AN ACT TO ADD TOPSAIL BEACH TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

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

By Senator Dalton:

S.B. 16, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING

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REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN.

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

By Senators Boseman; Allran, Atwater, Foriest, Garrou, Goodall, Goss, Jones, Kerr, Queen, Rand and Snow:

S.B. 17, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN CHILD PORNOGRAPHY LAWS BY AMENDING THE DEFINITION OF SEXUAL ACTIVITY AND EXPANDING THE SCOPE OF CERTAIN PORNOGRAPHY LAWS, INCREASING THE PENALTY FOR FIRST, SECOND, AND THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, INCREASING THE PENALTY FOR SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT, AND INCREASING THE PENALTY FOR A SECOND OR SUBSEQUENT OFFENSE OF TAKING INDECENT LIBERTIES WITH CHILDREN.

Referred to the **Judiciary I Committee**.

By Senator Purcell:

S.B. 18, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCOTLAND COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

By Senator Swindell:

S.B. 19, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NASH.

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

By Senator Swindell:

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

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

By Senators Snow; and Goodall:

S.B. 21, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATUTE PROHIBITING DOG FIGHTING AND BAITING DOES NOT APPLY TO THE USE OF HERDING DOGS WORKING WITH DOMESTICATED LIVESTOCK.

Referred to the **Judiciary II Committee**.

By Senator Tillman:

S.B. 22, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REGULAR MUNICIPAL ELECTIONS IN THE CITY OF ARCHDALE TO BE CONDUCTED IN EVEN-NUMBERED YEARS, AND TO EXTEND THE TERMS OF CURRENT OFFICERS TO THE NEW ELECTION SCHEDULE.

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

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By Senators Purcell; Allran, Atwater, Bingham, Dannelly, Dorsett, Foriest, Jones, Malone, Rand, Shaw and Snow:

S.B. 23, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHILD RESTRAINT LAW TO ENSURE COMPLIANCE WITH FEDERAL REGULATIONS.

Referred to the **Health Care Committee**.

By Senators Purcell; Albertson, Atwater, Bingham, Cowell, Dannelly, Dorsett, Foriest, Jones, Malone, Queen, Rand, Shaw, Snow, Swindell and Weinstein:

S.B. 24, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, FOR CHRONIC DISEASE AND PREVENTION CONTROL ACTIVITIES.

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

By Senators Purcell; Albertson, Atwater, Bingham, Cowell, Dannelly, Dorsett, Foriest, Garrou, Jones, Malone, Rand, Shaw, Snow, Swindell and Weinstein:

S.B. 25, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATEWIDE HEALTH PROMOTION PROGRAM.

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

By Senators Purcell; Albertson, Atwater, Bingham, Cowell, Dannelly, Dorsett, Foriest, Garrou, Jones, Malone, Queen, Rand, Shaw, Snow, Swindell and Weinstein:

S.B. 26, 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 Senators Boseman; Atwater, Cowell, Goodall and Snow:

S.B. 27, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW RELATED TO VIOLATIONS OF DOMESTIC VIOLENCE PROTECTIVE ORDERS BY INCREASING THE PENALTY FOR REPEAT OFFENDERS AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

Referred to the **Judiciary I Committee**.

By Senators Boseman; Atwater, Cowell, Goodall and Snow:

S.B. 28, A BILL TO BE ENTITLED AN ACT TO CREATE A FELONY OFFENSE FOR PERSONS WHO KNOWINGLY VIOLATE A DOMESTIC VIOLENCE PROTECTIVE ORDER WHILE ARMED WITH A DEADLY

WEAPON AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

Referred to the **Judiciary I Committee**.

By Senators Boseman; Atwater, Cowell, Goodall and Snow:

S.B. 29, A BILL TO BE ENTITLED AN ACT TO DETERMINE WHETHER SECURITY GUIDELINES ARE NEEDED FOR DOMESTIC VIOLENCE SHELTERS OPERATED BY STATE-FUNDED AGENCIES AND TO PROVIDE, WHERE FEASIBLE, PRIVATE AREAS FOR DOMESTIC VIOLENCE VICTIMS WHO ARE NEEDED FOR ANY COURT PROCEEDING WHERE THE DEFENDANT WILL BE PRESENT AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

Referred to the **Judiciary I Committee**.

By Senators Boseman; Atwater, Cowell, Goodall and Snow:

S.B. 30, A BILL TO BE ENTITLED AN ACT TO AMEND LAWS TO PROVIDE GREATER PROTECTION FOR DOMESTIC VIOLENCE VICTIMS AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

Referred to the **Judiciary I Committee**.

By Senators Boseman; Atwater, Cowell and Snow:

S.B. 31, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DOMESTIC VIOLENCE PROGRAMS TO MEET INCREASED DEMANDS FOR SERVICES, TO INCREASE TANF FUNDS FOR DOMESTIC VIOLENCE PREVENTION, TO APPROPRIATE FUNDS TO THE JUDICIAL DEPARTMENT TO EXPAND THE FAMILY COURT PROGRAM, TO APPROPRIATE FUNDS TO BE ALLOCATED TO THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE DOMESTIC VIOLENCE COMMISSION TO PROVIDE MATCHING GRANT FUNDS FOR THE CONSTRUCTION OF SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE, TO APPROPRIATE FUNDS TO BE ALLOCATED TO THE GOVERNOR'S CRIME COMMISSION TO CREATE AND FUND SUPERVISED VISITATION AND EXCHANGE CENTERS, AND TO APPROPRIATE FUNDS TO ADJUST THE SALARY AND BENEFITS FOR THE ABUSER TREATMENT PROGRAM COORDINATOR POSITION AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

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

By Senators Boseman; Atwater, Cowell, Goodall and Snow:

S.B. 32, A BILL TO BE ENTITLED AN ACT TO AMEND CRIMINAL PROCEDURE LAWS AFFECTING DOMESTIC VIOLENCE VICTIMS AND TO REQUIRE DOMESTIC VIOLENCE HOMICIDE REPORTING AS

RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

Referred to the **Judiciary I Committee**.

By Senators Swindell; Albertson, Apodaca, Atwater, Berger of Rockingham, Bingham, Brock, Dalton, Dannelly, Goodall, Hoyle, Jenkins, Jones, Kinnaird, Nesbitt, Purcell, Snow, Stevens, Tillman and Weinstein:

S.B. 34, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO KILL A LAW ENFORCEMENT OR ASSISTANCE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A LAW ENFORCEMENT OR ASSISTANCE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICIAL DUTIES.

Referred to the **Judiciary II Committee**.

By Senators Swindell; Albertson, Apodaca, Atwater, Dannelly, Hoyle, Jenkins, Jones, Kinnaird, Nesbitt, Purcell, Snow, Stevens, Tillman, and Weinstein:

S.B. 35, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ADD AN ADDITIONAL STEP TO THE TEACHER SALARY SCHEDULES.

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

By Senator Kinnaird:

S.B. 36, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ORANGE.

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

By Senator Kinnaird:

S.B. 37, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF PERSON.

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

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

S.B. 38, 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 **Ways & Means Committee**.

By Senators Smith; Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Jones, Pittenger, Preston, Shaw, Stevens and Tillman:

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S.B. 39, A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

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

By Senators Hoyle; Albertson, Apodaca, Atwater, Brunstetter, Dalton, Dannelly, Dorsett, Forrester, Jenkins, Jones, Kerr, Kinnaird, Swindell and Weinstein:

S.B. 40, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FEDERAL FUNDS UNDER THE TANF BLOCK GRANT FOR BOYS AND GIRLS CLUBS.

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

By Senator Purcell:

S.B. 41, 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; Atwater, Berger of Franklin, Cowell, Dannelly, Dorsett, Forrester, Garrou, Graham, Kinnaird, Malone, Nesbitt, Rand and Swindell:

S.B. 42, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE RECOMMENDATIONS OF THE STROKE ADVISORY COUNCIL OF THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

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

By Senators Purcell; Atwater, Cowell, Dannelly, Dorsett, Forrester, Graham, Kinnaird, Malone, Nesbitt and Rand:

S.B. 43, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC FROM THE HEALTH RISKS OF SECONDHAND SMOKE BY PROHIBITING SMOKING IN BUILDINGS OWNED, LEASED, OR OCCUPIED BY STATE GOVERNMENT, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

Referred to the **Health Care Committee**.

By Senators Pittenger; Berger of Rockingham, Brown, Forrester, Goodall, Hunt, Jacumin, Preston and Tillman:

S.B. 44, A BILL TO BE ENTITLED AN ACT TO REMOVE THE EXCEPTION OF ALLOWING A CHILD TO BE OUT OF A CHILD SAFETY RESTRAINT SYSTEM WHILE THE CHILD'S PERSONAL NEEDS ARE BEING ATTENDED TO.

Referred to the **Health Care Committee**.

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By Senators Pittenger; Allran, Apodaca, Berger of Rockingham, Bingham, Brock, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Smith and Tillman:

S.B. 45, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL SCHOOL ADMINISTRATIVE UNITS TO CONSIDER PERFORMANCE WHEN AWARDING ANNUAL SALARY INCREASES TO NONCERTIFIED SCHOOL EMPLOYEES.

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

By Senators Pittenger; Apodaca, Berger of Rockingham, Brock, Brown, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Stevens and Tillman:

S.B. 46, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH.

Referred to the **Health Care Committee**.

By Senators Pittenger; Apodaca, Berger of Rockingham, Bingham, Brock, Brown, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Kinnaird, Preston, Smith, Stevens and Tillman:

S.B. 47, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT LOTTERY PROCEEDS EARMARKED FOR LOCAL SCHOOL ADMINISTRATIVE UNITS ARE NOT USED TO SUPPLANT EXISTING FUNDING.

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

By Senator Albertson:

S.B. 48, 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 Senator Albertson:

S.B. 49, 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 Senator Albertson:

S.B. 50, A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO INVESTIGATE THE POTENTIAL FOR AGREEMENTS WITH OTHER STATES FOR THE RECIPROCAL HONORING OF HUNTING AND FISHING LICENSES FOR THE DISABLED.

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

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By Senators Dorsett, Dannelly, Allran, Bingham, Malone; Albertson, Atwater, Clodfelter, Foriest, Forrester, Goss, Hagan, Hoyle, Jenkins, Kerr, Kinnaird, Nesbitt, Purcell, Rand, Shaw, Snow, Stevens and Swindell:

S.B. 51, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE AVAILABILITY OF HOUSING OPTIONS FOR NORTH CAROLINIANS WITH DISABILITIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Dorsett, Dannelly, Allran, Bingham, Malone; Albertson, Atwater, Clodfelter, Foriest, Forrester, Goss, Hagan, Hoyle, Jenkins, Kerr, Kinnaird, Nesbitt, Purcell, Rand, Shaw, Snow, Stevens and Swindell:

S.B. 52, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, FOR THE PURCHASE OF AN ADDITIONAL MOBILE DENTAL UNIT, AND TO REQUIRE THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY THE DEDICATION OF ONE OR MORE DENTAL SCHOLARSHIP-LOAN PROGRAM SLOTS TO DENTISTS SERVING SPECIAL CARE POPULATIONS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Dorsett, Dannelly, Allran, Bingham, Malone; Albertson, Atwater, Clodfelter, Foriest, Forrester, Goss, Hagan, Hoyle, Jenkins, Kerr, Kinnaird, Nesbitt, Purcell, Rand, Shaw, Snow, Stevens and Swindell:

S.B. 53, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS TO THE SENIOR CENTER GENERAL PURPOSE FUND, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senator Purcell:

S.B. 54, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Purcell:

S.B. 55, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT.

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

By Senators Bingham, Dannelly, Dorsett, Allran, Malone; Brunstetter, Forrester, Hartsell, Jones, Kinnaird, Stevens and Swindell:

S.B. 56, A BILL TO BE ENTITLED AN ACT TO AMEND THE

PENALTY REVIEW COMMITTEE PROCESS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Bingham, Dannelly, Dorsett, Allran, Malone; Brunstetter, Forrester, Hartsell, Jones, Kinnaird, Stevens and Swindell:

S.B. 57, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY ISSUES RELATING TO INDIVIDUALS BEING TRANSPORTED IN VEHICLES WHILE SEATED IN WHEELCHAIRS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Transportation Committee**.

By Senators Bingham, Dannelly, Dorsett, Allran, Malone; Forrester, Hartsell, Jones, Kinnaird, Stevens and Swindell:

S.B. 58, 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, AS RECOMMENDED BY THE NORTH CAROLINA 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 Bingham, Dannelly, Dorsett, Allran, Malone; Forrester, Hartsell, Jones, Kinnaird, Stevens and Swindell:

S.B. 59, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS FOR THE HOME AND COMMUNITY CARE BLOCK GRANT, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Goss; and Jones:

S.B. 60, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMMEDIATELY DESIGNATE A TEMPORARY LOCATION FOR REGISTRATION DOCUMENT AND PLATE ACQUISITION WHEN CLOSING THE ONLY CONTRACT LICENSE PLATE AGENCY IN A COUNTY.

Referred to the **Transportation Committee**.

By Senators Goss; and Jones:

S.B. 61, A BILL TO BE ENTITLED AN ACT TO GRANT CERTAIN SCHOOL SYSTEMS A PERMANENT WAIVER FROM THE REQUIRED SCHOOL OPENING AND CLOSING DATES.

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

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By Senators Forrester; and Jones:

S.B. 62, 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 Forrester; Hartsell and Jones:

S.B. 63, 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.J.R. 64, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE INCIDENCE OF MEDICAL ERRORS IN HEALTH CARE SETTINGS, THE IMPACT MEDICAL ERRORS HAVE ON PATIENT SAFETY, AND THE BENEFITS OF MANDATORY REPORTING OF MEDICAL ERRORS.

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

By Senator Forrester:

S.B. 65, A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST SENATORIAL DISTRICT.

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

By Senators Forrester, Purcell; and Jones:

S.J.R. 66, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE KNOWN ENVIRONMENTAL CAUSES AND TRIGGERS OF CANCER.

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

By Senator Boseman:

S.B. 67, A BILL TO BE ENTITLED AN ACT TO CLARIFY TYPES OF NUISANCES WHEREIN OBSCENE OR LEWD MATTER OR OTHER CONDUCT PROHIBITED IS INVOLVED.

Referred to the **Judiciary I Committee**.

By Senators Goss; Boseman, Goodall and Jones:

S.B. 68, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN CHILD PORNOGRAPHY LAWS BY AMENDING THE DEFINITION OF SEXUAL ACTIVITY AND EXPANDING THE SCOPE OF CERTAIN PORNOGRAPHY LAWS, INCREASING THE PENALTY FOR FIRST, SECOND, AND THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, INCREASING THE PENALTY FOR SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT, AND INCREASING

THE PENALTY FOR A SECOND OR SUBSEQUENT OFFENSE OF TAKING INDECENT LIBERTIES WITH CHILDREN.

Referred to the **Judiciary I Committee**.

By Senators Goss; Boseman and Jones:

S.B. 69, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A RETAIL OR WHOLESALE FILM PROCESSOR, PHOTO FINISHER, OR COMPUTER TECHNICIAN WHO, IN THE COURSE OF WORK, ENCOUNTERS AN IMAGE OF A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE CUSTOMER REQUESTING THE DEVELOPMENT OF THE FILM OR IN POSSESSION OF THE COMPUTER TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN AND TO THE APPROPRIATE LOCAL LAW ENFORCEMENT OFFICER.

Referred to the **Judiciary I Committee**.

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

S.B. 70, A BILL TO BE ENTITLED AN ACT TO REDUCE THE WAITING PERIOD FOR RETIRED TEACHERS RETURNING TO THE CLASSROOM WITHOUT LOSS OF BENEFITS, TO REMOVE THE SUNSET ON ALLOWING TEACHERS TO RETURN TO THE CLASSROOM WITHOUT LOSS OF BENEFITS, AND TO DIRECT THE RETIREMENT SYSTEMS DIVISION TO STUDY THE FEASIBILITY OF ESTABLISHING INNOVATIVE PROGRAMS FOR RETIRED TEACHERS THAT SUPPORT THEIR RETURN TO WORK AND REDUCE CLASSROOM TEACHER SHORTAGES.

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

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

S.B. 71, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR ESTABLISHING THE NORTH CAROLINA STATE RETIREES HEALTH BENEFITS TRUST FUND.

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

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

S.B. 72, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF DAMAGES THAT MAY BE AWARDED IN CIVIL ACTIONS AGAINST HEALTH CARE PROVIDERS FOR HEALTH CARE LIABILITY CLAIMS,

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TO OTHERWISE REFORM HEALTH CARE LIABILITY, AND TO MAKE CONFORMING CHANGES.

Referred to the **Judiciary I Committee**.

By Senators Dalton; Atwater, Boseman, Foriest, Goss, Hoyle, Jones and Queen:

S.B. 73, 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 Senator Purcell:

S.B. 74, A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

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

By Senators Albertson; Atwater, Bingham, Jenkins, Kerr, Soles and Weinstein:

S.B. 75, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA SPECIALTY CROPS PROGRAM.

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

By Senator Albertson:

S.B. 76, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ROSE HILL COMMUNITY MEMORIAL LIBRARY.

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

By Senator Albertson:

S.B. 77, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DUPLIN COUNTY VETERANS MUSEUM.

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

By Senators Forrester and Hoyle:

S.B. 78, 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 Senators Tillman; Apodaca, Atwater, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hartsell, Pittenger and Weinstein:

S.B. 79, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEER

SEASONS AND REMOVE BAG LIMITS ON DEER IN ORDER TO REDUCE THE DEER POPULATION IN THE STATE.

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

By Senators Tillman; Apodaca, Atwater, Bingham, Blake, Boseman, Brock, Brunstetter, East, Forrester, Goodall, Hartsell, Hoyle, Hunt, Jones, Pittenger, Stevens and Weinstein:

S.B. 80, 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 **Judiciary I Committee**.

By Senators Purcell; Allran, Atwater, Boseman, Dorsett, Forrester, Kinnaird, Rand and Snow:

S.B. 81, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR REDUCING PRETERM BIRTHS AND FOR SIDS RISK REDUCTION EFFORTS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

By Senators Allran; Atwater, Bingham, Blake, Boseman, Brown, Clodfelter, Dalton, Forrester, Goodall, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Purcell, Queen, Shaw, Snow, Soles, Stevens, and Weinstein:

S.B. 82, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF ENDANGERING A JUVENILE.

Referred to the **Judiciary I Committee**.

By Senators Snow; Purcell and Rand:

S.B. 83, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF DOMESTIC CRIMINAL TRESPASS BY MAKING IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER TO TRESPASS ON PROPERTY THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSONS COVERED BY THE PROTECTIVE ORDER ARE PRESENT ON THE PREMISES AND TO PROVIDE THAT IT IS AN AGGRAVATING CIRCUMSTANCE FOR FIRST DEGREE MURDER IF A DEFENDANT WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER COMMITS A MURDER ON THE PREMISES OF A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE.

Referred to the **Judiciary II Committee**.

By Senators Weinstein; Albertson, Apodaca, Bingham, Dannelly, Garrou, Goss, Hoyle, Jenkins, Kerr, Kinnaird, Purcell, Rand, Shaw, Snow, Soles and Tillman:

S.B. 84, A BILL TO BE ENTITLED AN ACT TO AMEND THE

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CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

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

By Senators Weinstein; Albertson, Apodaca, Bingham, Dannelly, Garrou, Goss, Hoyle, Jenkins, Kerr, Kinnaird, Purcell, Rand, Shaw, Snow, Soles and Tillman:

S.B. 85, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

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

By Senators Pittenger; Berger of Rockingham, Bingham, Blake, Brock, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Kinnaird, Preston, Smith, Stevens and Tillman:

S.B. 86, A BILL TO BE ENTITLED AN ACT TO ALLOW CHARTER SCHOOLS TO SHARE IN LOTTERY PROCEEDS ON THE SAME BASIS AS OTHER PUBLIC SCHOOLS.

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

By Senators Boseman; Albertson, Apodaca, Atwater, Bingham, Blake, Brown, Brunstetter, Dalton, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hoyle, Hunt, Jenkins, Jones, Kerr, Purcell, Queen, Rand, Snow, Soles, Swindell, Tillman and Weinstein:

S.B. 87, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISSEMINATION OF OBSCENE AND GRAPHICALLY VIOLENT VIDEO GAMES TO MINORS AND TO REQUIRE VIDEO GAME RETAILERS TO INFORM CONSUMERS THAT A VIDEO GAME RATING SYSTEM IS AVAILABLE.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird; Cowell, Dorsett, Graham, Malone, Nesbitt, Shaw and Weinstein:

S.B. 88, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXISTING LAW ON ADMINISTRATION OF OATHS.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird; Atwater, Cowell, Dannelly, Dorsett, Graham, Malone, Nesbitt, Purcell and Shaw:

S.B. 89, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON LETHAL INJECTION AND TO DELAY THE SETTING OF EXECUTIONS FOR A DEFINITE PERIOD UNTIL THE STUDY IS COMPLETED.

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

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By Senators Kinnaird; Allran, Atwater, Bingham, Dorsett and Weinstein:

S.B. 90, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADOPTIVE PARENT AND A BIRTH RELATIVE TO ENTER INTO A WRITTEN AGREEMENT TO PROVIDE FOR POST-ADOPTION CONTACT AND COMMUNICATION AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH AND TO MAKE OTHER CONFORMING STATUTORY CHANGES.

Referred to the **Judiciary I Committee**.

By Senators Jacumin, Bingham; Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Cowell, Dalton, East, Forrester, Garrou, Hagan, Hunt, Jones, Preston, Queen, Snow, Stevens, Tillman, and Weinstein:

S.B. 91, A BILL TO BE ENTITLED AN ACT TO PROVIDE ENHANCED ECONOMIC DEVELOPMENT INCENTIVES TO ENDANGERED MANUFACTURERS, TO PROVIDE PROPERTY TAX EXCLUSIONS FOR ENDANGERED MANUFACTURERS, TO CLARIFY THAT A LOW-PROFIT LIMITED LIABILITY COMPANY IS A LIMITED LIABILITY COMPANY UNDER STATE LAW, TO ESTABLISH THE NORTH CAROLINA FURNITURE FUND TO RECEIVE STATE AND FEDERAL FUNDING FOR THE FURNITURE INDUSTRY, TO ESTABLISH THE NORTH CAROLINA FURNITURE COUNCIL TO ADMINISTER THE FUND, AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, TO APPROPRIATE FUNDS TO ESTABLISH THE FURNITURE TECHNOLOGY CENTER, TO PROVIDE FOR ADDITIONAL PENALTIES FOR THE UNAUTHORIZED DISCLOSURE OF TRADE SECRETS, AND TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO REGULATION UNDER THE BUILDING CODE.

Referred to the **Finance Committee**.

By Senators Bingham; Berger of Rockingham, Boseman, Garrou, Hagan, Jones, Purcell, Rand and Stevens:

S.B. 92, A BILL TO BE ENTITLED AN ACT TO REQUIRE OWNERS OF DANGEROUS AND POTENTIALLY DANGEROUS DOGS TO ACQUIRE LIABILITY INSURANCE.

Referred to the **Judiciary II Committee**.

By Senators Bingham; Albertson, Apodaca, Atwater, Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hagan, Hunt, Jacumin, Jones, Pittenger, Preston, Purcell, Rand, Smith, Stevens and Tillman:

S.B. 93, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE CAPITAL FACILITIES PROGRAM BY DIRECTING THE STATE BUILDING COMMISSION TO REVIEW THE PROGRAM AND IMPLEMENT MEASURES TO REDUCE DELAYS AND INCREASE ACCOUNTABILITY AMONG THE PARTIES TO THE DESIGN AND CONSTRUCTION PROCESS, BY INCREASING THE BIDDING,

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BONDING, AND DESIGNER SELECTION THRESHOLDS FOR STATE CONSTRUCTION CONTRACTS, BY DIRECTING THE STATE PERSONNEL OFFICE TO CONDUCT A MARKET STUDY OF ARCHITECT AND ENGINEERING POSITION CLASSIFICATIONS, AND BY APPROPRIATING FUNDS FOR ADDITIONAL PLAN REVIEW AND ENFORCEMENT PERSONNEL AT THE DEPARTMENT OF INSURANCE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Dorsett:

S.B. 94, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

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

By Senator Dorsett:

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

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

By Senator Goss:

S.B. 96, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE CREATION OF FAMILY ASSISTANCE CENTERS TO BENEFIT MILITARY PERSONNEL AND THEIR FAMILIES.

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

By Senators Dalton; Albertson, Hoyle and Purcell:

S.J.R. 97, A JOINT RESOLUTION HONORING NORTH CAROLINA NATIVES DON GIBSON AND EARL SCRUGGS.

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

By Senators Weinstein; Blake and Kinnaird:

S.B. 98, A BILL TO BE ENTITLED AN ACT TO ADJUST LEGISLATIVE COMPENSATION, WHICH HAS REMAINED UNCHANGED SINCE 1994.

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

By Senators Dannelly, Dorsett, Allran, Bingham, Malone; Forrester, Graham, Hartsell, Purcell, Soles, Swindell and Weinstein:

S.B. 99, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF FACILITY SERVICES, FOR THE WIN A STEP UP PROGRAM FOR NURSE AIDES EMPLOYED BY NURSING HOMES, AND FOR A PILOT OF THE WIN A STEP UP PROGRAM FOR NURSE AIDES EMPLOYED BY HOME CARE AGENCIES, AND TO REQUIRE A STUDY OF THE FEASIBILITY OF BECOMING A SELF-SUSTAINING PROGRAM, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

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By Senators Dannelly; Clodfelter, Dorsett, Forrester, Graham, Hartsell, Malone, Purcell and Soles:

S.B. 100, 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 Dannelly; Clodfelter, Dorsett, Forrester, Goodall, Graham, Hartsell, Malone, Pittenger, Purcell, Rand, Soles, Swindell and Weinstein:

S.J.R. 101, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES FRANKLIN "JIM" RICHARDSON, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

By Senators Dannelly; Clodfelter, Dorsett, Forrester, Goodall, Graham, Hartsell, Malone, Pittenger, Purcell, Rand, Soles, Swindell and Weinstein:

S.J.R. 102, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HERMAN AUBREY MOORE, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY AND PRESIDENT PRO TEMPORE OF THE SENATE.

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

By Senators Goodall; Bingham, Forrester, Hoyle and Purcell:

S.B. 103, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A PROSTATE CANCER AWARENESS SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

By Senators Goodall; Allran, Blake, Brock, Brown, Brunstetter, Pittenger, Smith and Tillman:

S.B. 104, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ESTATE AND GIFT TAXES.

Referred to the **Finance Committee**.

By Senators Goodall; Allran, Blake, Brock, Pittenger, Smith, Stevens and Tillman:

S.B. 105, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO PROVIDE FUNDS TO CHARTER SCHOOLS.

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

By Senators Goodall; Allran, Blake, Brock, Pittenger, Smith and Tillman:

S.B. 106, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

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

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By Senators Goodall; Allran, Blake, Brock, Brown, Pittenger, Smith and Tillman:

S.B. 107, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BETTER DISCLOSURE OF SPECIAL PROVISIONS IN APPROPRIATIONS AND FINANCE BILLS.

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

By Senators Malone, Dannelly, Dorsett, Allran and Bingham:

S.B. 108, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENACT A PILOT PROGRAM TO ASSESS PROPOSED CHANGES TO THE ADULT PROTECTIVE SERVICES STATUTES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Malone, Dannelly, Dorsett, Allran and Bingham:

S.B. 109, 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 ADDITIONAL STAFFING, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Malone, Dannelly, Dorsett, Allran and Bingham:

S.B. 110, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW OPTIONS FOR INCREASING MEDICAID MEDICALLY NEEDY INCOME LIMITS, AS RECOMMENDED BY THE NORTH CAROLINA 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 Cowell, Jacumin; Atwater, Brown, Graham and Stevens:

S.B. 111, A BILL TO BE ENTITLED AN ACT TO PROVIDE ACCESS TO ANY ADULT ADOPTEE OR ADULT LINEAL DESCENDANT OF A DECEASED ADOPTEE WHO REQUESTS A CERTIFIED COPY OF THE ADOPTEE'S ORIGINAL CERTIFICATE OF BIRTH.

Referred to the **Judiciary I Committee**.

By Senators Malone, Allran, Cowell, Dorsett, Hagan, Jacumin, Stevens, Atwater; Albertson, Bingham, Clodfelter and Dannelly:

S.B. 112, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE E-NC AUTHORITY TO INCREASE THE AVAILABILITY OF INTERNET CONNECTIVITY IN UNDERSERVED AREAS OF THE

STATE THROUGH INCENTIVE GRANTS, TO PROVIDE ADDITIONAL FUNDING FOR GENERAL OPERATIONS, TO EXPAND THE FUNDING FOR THE E-NC BUSINESS AND TECHNOLOGY TELECENTERS PROGRAM, AND TO PROVIDE INCENTIVES TO E-COMMUNITIES, LOCAL E-GOVERNMENT UTILIZATION PROGRAM PARTICIPANTS, AND E-COMMERCE INITIATIVES.

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

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

TWELFTH DAY

Senate Chamber
Tuesday, February 13, 2007

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, remembering that Jacob wrestled all night with an angel and that Jesus in Gethsemane prayed, 'Let this cup pass from me...', we pray today for the women and men in Congress who begin debate today on the Iraq war. No matter what each of us believes is the right course of action, most Americans are conflicted by the complexity of this struggle. The Members here know how gut wrenching decision-making can be before the yes or no buttons are pressed to record their vote. Give Congress during their deliberation wisdom and be a source of strength to our men and women who serve so bravely in Iraq. May thy will be done. Amen."

The Chair grants leaves of absence for today to Senator Apodaca, Senator Kerr, Senator Lucas and Senator Purcell.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, February 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Eric Mason from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Gretchen Wallace from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

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INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Rand:

S.J.R. 121, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

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

The joint resolution passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special message.

ADDITIONAL SPONSORS

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

S.B. 83, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF DOMESTIC CRIMINAL TRESPASS BY MAKING IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER TO TRESPASS ON PROPERTY THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSONS COVERED BY THE PROTECTIVE ORDER ARE PRESENT ON THE PREMISES AND TO PROVIDE THAT IT IS AN AGGRAVATING CIRCUMSTANCE FOR FIRST DEGREE MURDER IF A DEFENDANT WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER COMMITS A MURDER ON THE PREMISES OF A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE.

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

S.B. 26, 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.

S.B. 35, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ADD AN ADDITIONAL STEP TO THE TEACHER SALARY SCHEDULES.

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S.B. 40, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FEDERAL FUNDS UNDER THE TANF BLOCK GRANT FOR BOYS AND GIRLS CLUBS.

S.B. 83, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF DOMESTIC CRIMINAL TRESPASS BY MAKING IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER TO TRESPASS ON PROPERTY THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSONS COVERED BY THE PROTECTIVE ORDER ARE PRESENT ON THE PREMISES AND TO PROVIDE THAT IT IS AN AGGRAVATING CIRCUMSTANCE FOR FIRST DEGREE MURDER IF A DEFENDANT WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER COMMITS A MURDER ON THE PREMISES OF A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE.

S.B. 112, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE E-NC AUTHORITY TO INCREASE THE AVAILABILITY OF INTERNET CONNECTIVITY IN UNDERSERVED AREAS OF THE STATE THROUGH INCENTIVE GRANTS, TO PROVIDE ADDITIONAL FUNDING FOR GENERAL OPERATIONS, TO EXPAND THE FUNDING FOR THE E-NC BUSINESS AND TECHNOLOGY TELECENTERS PROGRAM, AND TO PROVIDE INCENTIVES TO E-COMMUNITIES, LOCAL E-GOVERNMENT UTILIZATION PROGRAM PARTICIPANTS, AND E-COMMERCE INITIATIVES.

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

S.B. 83, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF DOMESTIC CRIMINAL TRESPASS BY MAKING IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER TO TRESPASS ON PROPERTY THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSONS COVERED BY THE PROTECTIVE ORDER ARE PRESENT ON THE PREMISES AND TO PROVIDE THAT IT IS AN AGGRAVATING CIRCUMSTANCE FOR FIRST DEGREE MURDER IF A DEFENDANT WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER COMMITS A MURDER ON THE PREMISES OF A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE.

S.B. 103, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A PROSTATE CANCER AWARENESS SPECIAL REGISTRATION PLATE.

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S.B. 108, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENACT A PILOT PROGRAM TO ASSESS PROPOSED CHANGES TO THE ADULT PROTECTIVE SERVICES STATUTES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

S.B. 117, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTRACT WITH A CONSULTING FIRM TO STUDY ALL OF THE DEPARTMENT'S COUNTY ALLOCATION FORMULAS.

S.B. 118, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO DECLARE A VACANCY IN THE OFFICE OF DISTRICT COURT JUDGE, SUPERIOR COURT JUDGE, JUDGE OF THE COURT OF APPEALS, JUSTICE OF THE SUPREME COURT, OR DISTRICT ATTORNEY WHEN THE INCUMBENT DOES NOT HAVE THE LEGAL RIGHT TO EXERCISE ITS FUNCTIONS.

S.B. 119, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT EMPLOYEES OF THE DEPARTMENT OF DEFENSE AND THEIR DEPENDENTS SHALL QUALIFY FOR THE IN-STATE TUITION RATE.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to introduction of bills and committee changes, to meet Wednesday, February 14, at 2:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Rand; and Jones:

S.B. 122, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN INVESTIGATIVE GRAND JURY MAY INVESTIGATE CERTAIN ALLEGED CRIMES IN ADDITION TO THOSE RELATING TO CONTROLLED SUBSTANCES AND TO AMEND THE PROCEDURE FOR CONVENING AN INVESTIGATIVE GRAND JURY.

Referred to the **Judiciary I Committee**.

By Senators Rand; Atwater, Jones and Preston:

S.B. 123, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DIVISION TEACCH AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

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

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By Senators Rand; Boseman and Jones:

S.B. 124, A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL GOVERNMENTS TO ADOPT LAWS, RULES, OR ORDINANCES REGULATING SMOKING IN PUBLIC PLACES.

Referred to the **Judiciary I Committee**.

By Senators Goss; Goodall, Jones and Rand:

S.B. 125, A BILL TO BE ENTITLED AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL ANY INSTRUMENT THAT CAN BE USED TO ATOMIZE OR INTRODUCE A TOXIC VAPOR INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION.

Referred to the **Judiciary I Committee**.

By Senator Weinstein:

S.B. 126, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF LUMBERTON.

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

By Senator Weinstein:

S.B. 127, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.

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

By Senators Garrou; Atwater, Bingham, Brunstetter, Clodfelter, Dalton, Dannelly, Goodall, Hagan, Hartsell, Hoyle, Jones, Purcell, Rand, Stevens, Swindell and Tillman:

S.B. 128, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR HIGH-COST COMMUNITY COLLEGE PROGRAMS.

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

By Senators Purcell; Albertson, Atwater, Cowell, Dannelly, Dorsett, Jones, Malone and Snow:

S.B. 129, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ALLOCATION TO THE NORTH CAROLINA HEALTHY START FOUNDATION.

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

By Senators Purcell; Albertson, Atwater, Cowell, Dannelly, Dorsett, Malone, Preston, Rand and Snow:

S.B. 130, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ALLOCATION TO BEGINNINGS FOR PARENTS OF CHILDREN

WHO ARE DEAF OR HARD OF HEARING, INC., A NONPROFIT CORPORATION.

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

By Senators Pittenger; Bingham, Blake, Brock, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Smith, Stevens and Tillman:

S.B. 131, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FIFTEEN ADDITIONAL ASSISTANT DISTRICT ATTORNEYS FOR PROSECUTORIAL DISTRICT 26.

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

CHANGES TO 2007 SENATE COMMITTEES

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

Senator Clodfelter is appointed to the **State and Local Government Committee**.

Senator Atwater is appointed to the **Ways and Means Committee** and **Rules and Operations of the Senate Committee**.

Senator Boseman is removed from the **Rules and Operations of the Senate Committee**.

Senator Snow is removed from the **Education/Higher Education**.

Senator Snow is appointed to the **Education/Public Instruction**.

Senator Pittenger is appointed to the **Information Technology Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:20 P.M.

THIRTEENTH DAY

Senate Chamber
Wednesday, February 14, 2007

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

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

"Dear God, we are grateful that on Valentine's Day we are encouraged to offer gifts of recognition or a gesture of love to people whom we recognize as

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being very special to us. We also realize that some of your teachings on love may not make it on a Hallmark greeting card. Your insights, O Lord, on love are not romantic or politically correct. 'If you only love those who love you, you say, what good is that. I say, love your enemies.' So we thank you for the love we are able to express, but ask that you continue to challenge us until we can love as you do, O God, Amen."

The Chair grants leaves of absence for today to Senator Lucas and Senator Purcell.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, February 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Allston Stubbs IV from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Emily Parenteau from Randleman, North Carolina, who is serving the Senate as Nurse of the Day.

ADDITIONAL SPONSORS

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

S.B. 114, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ASSISTANCE RENDERED BY ANY HEALTH CARE PROFESSIONAL IN THE PROCESS OF A LAWFUL EXECUTION BY THE STATE DOES NOT RESULT IN DISCIPLINARY OR CORRECTIVE ACTION BY ANY STATE AUTHORIZED BOARD OR AUTHORITY, AND TO EXCLUDE THE ADMINISTRATION OF CONTROLLED SUBSTANCES USED IN AN EXECUTION FROM THE PRACTICE OF MEDICINE.

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

S.B. 114, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ASSISTANCE RENDERED BY ANY HEALTH CARE PROFESSIONAL IN THE PROCESS OF A LAWFUL EXECUTION BY THE STATE DOES NOT RESULT IN DISCIPLINARY OR CORRECTIVE ACTION BY ANY STATE AUTHORIZED BOARD OR AUTHORITY, AND TO EXCLUDE THE ADMINISTRATION OF CONTROLLED SUBSTANCES USED IN AN EXECUTION FROM THE PRACTICE OF MEDICINE.

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

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S.B. 114, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ASSISTANCE RENDERED BY ANY HEALTH CARE PROFESSIONAL IN THE PROCESS OF A LAWFUL EXECUTION BY THE STATE DOES NOT RESULT IN DISCIPLINARY OR CORRECTIVE ACTION BY ANY STATE AUTHORIZED BOARD OR AUTHORITY, AND TO EXCLUDE THE ADMINISTRATION OF CONTROLLED SUBSTANCES USED IN AN EXECUTION FROM THE PRACTICE OF MEDICINE.

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

S.B. 114, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ASSISTANCE RENDERED BY ANY HEALTH CARE PROFESSIONAL IN THE PROCESS OF A LAWFUL EXECUTION BY THE STATE DOES NOT RESULT IN DISCIPLINARY OR CORRECTIVE ACTION BY ANY STATE AUTHORIZED BOARD OR AUTHORITY, AND TO EXCLUDE THE ADMINISTRATION OF CONTROLLED SUBSTANCES USED IN AN EXECUTION FROM THE PRACTICE OF MEDICINE.

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

S.B. 114, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ASSISTANCE RENDERED BY ANY HEALTH CARE PROFESSIONAL IN THE PROCESS OF A LAWFUL EXECUTION BY THE STATE DOES NOT RESULT IN DISCIPLINARY OR CORRECTIVE ACTION BY ANY STATE AUTHORIZED BOARD OR AUTHORITY, AND TO EXCLUDE THE ADMINISTRATION OF CONTROLLED SUBSTANCES USED IN AN EXECUTION FROM THE PRACTICE OF MEDICINE.

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

S.B. 103, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A PROSTATE CANCER AWARENESS SPECIAL REGISTRATION PLATE.

S.B. 108, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENACT A PILOT PROGRAM TO ASSESS PROPOSED CHANGES TO THE ADULT PROTECTIVE SERVICES STATUTES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

S.B. 110, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW

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OPTIONS FOR INCREASING MEDICAID MEDICALLY NEEDY INCOME LIMITS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

S.B. 111, A BILL TO BE ENTITLED AN ACT TO PROVIDE ACCESS TO ANY ADULT ADOPTEE OR ADULT LINEAL DESCENDANT OF A DECEASED ADOPTEE WHO REQUESTS A CERTIFIED COPY OF THE ADOPTEE'S ORIGINAL CERTIFICATE OF BIRTH.

S.B. 118, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO DECLARE A VACANCY IN THE OFFICE OF DISTRICT COURT JUDGE, SUPERIOR COURT JUDGE, JUDGE OF THE COURT OF APPEALS, JUSTICE OF THE SUPREME COURT, OR DISTRICT ATTORNEY WHEN THE INCUMBENT DOES NOT HAVE THE LEGAL RIGHT TO EXERCISE ITS FUNCTIONS.

S.B. 125, A BILL TO BE ENTITLED AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL ANY INSTRUMENT THAT CAN BE USED TO ATOMIZE OR INTRODUCE A TOXIC VAPOR INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION.

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

S.B. 26, 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.

Upon motion of Senator Dannelly, seconded by Senator Albertson, the Senate adjourns subject to introduction of bills, committee changes, and committee appointments to meet Thursday, February 15, at 10:00 A.M.

CHANGES TO 2007 SENATE COMMITTEES

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the following changes to Senate Committees:

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

Senator Tillman is appointed to the **Appropriations/Base Budget Committee**.

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COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the establishment of the **Select Committee on Employee Hospital and Medical Benefits**. The members are as follows:

Senator Rand, Chair; Senator Apodaca, Senator Atwater, Senator Clodfelter, Senator Cowell, Senator Dannelly, Senator Forrester, Senator Garrou, Senator Hagan, Senator Hoyle and Senator Stevens.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Dalton, Snow, Boseman; Apodaca, Brunstetter, Cowell, Dorsett, Goodall, Goss, Hagan, Jones, Queen, Stevens, Tillman and Weinstein:

S.B. 132, A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF CERTAIN PORNOGRAPHY LAWS BY AMENDING THE DEFINITION OF SEXUAL ACTIVITY; TO INCREASE THE PENALTY FOR FIRST, SECOND, AND THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR; TO PROVIDE THAT IT SHALL BE ILLEGAL FOR THE OWNER OR OPERATOR OF A SOCIAL NETWORKING WEB SITE TO ALLOW A MINOR USING A PROTECTED COMPUTER TO CREATE OR MAINTAIN A PROFILE WEB PAGE ON A SOCIAL NETWORKING WEB SITE WITHOUT THE PERMISSION OF THE MINOR'S PARENT OR GUARDIAN AND WITHOUT PROVIDING SUCH PARENT OR GUARDIAN ACCESS TO SUCH PROFILE WEB PAGE AND TO PROVIDE FOR PENALTIES; TO PROVIDE THAT A FILM PROCESSOR, PHOTO FINISHER, OR COMPUTER TECHNICIAN WHO, IN THE COURSE OF WORK, ENCOUNTERS AN IMAGE OF A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE CUSTOMER REQUESTING THE WORK TO THE APPROPRIATE AUTHORITIES; TO INCREASE THE PENALTY FOR CERTAIN OFFENSES OF SOLICITATION OF CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT; TO MAKE IT A FELONY TO LIE TO A SWORN SBI AGENT CONDUCTING AN OFFICIAL INVESTIGATION; TO PROVIDE THAT AN INVESTIGATIVE GRAND JURY MAY INVESTIGATE CERTAIN ALLEGED CRIMES IN ADDITION TO THOSE RELATING TO CONTROLLED SUBSTANCES AND TO AMEND THE PROCEDURE FOR CONVENING AN INVESTIGATIVE GRAND JURY.

Referred to the **Judiciary II Committee**.

By Senator Goodall:

S.B. 133, A BILL TO BE ENTITLED AN ACT RELATING TO THE 35TH SENATORIAL DISTRICT.

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

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By Senator Goodall:

S.B. 134, A BILL TO BE ENTITLED AN ACT RELATING TO THE 35TH SENATORIAL DISTRICT.

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

By Senators Malone, Garrou; Jones and Snow:

S.B. 135, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SCHOOL CONNECTIVITY INITIATIVE.

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

By Senator Soles:

S.B. 136, 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. 137, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF BOLTON TO SUPPORT THE BOLTON SENIOR AND YOUTH CENTER.

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

By Senator Soles:

S.B. 138, 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 Senator Soles:

S.B. 139, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADDITIONAL MAGISTRATE TO SERVE COLUMBUS COUNTY.

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

By Senator Soles:

S.B. 140, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A NEW FACILITY TO HOUSE PROGRAMS AND SERVICES FOR SENIOR CITIZENS IN COLUMBUS COUNTY.

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

By Senator Soles:

S.B. 141, 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**.

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By Senator Soles:

S.B. 142, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A CULTURAL ARTS CENTER AT WILLIAMS TOWNSHIP SCHOOL.

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

By Senator Soles:

S.B. 143, 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 Soles:

S.B. 144, 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. 145, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH SENATORIAL DISTRICT.

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

By Senators Soles; and Jones:

S.B. 146, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF BURGAW TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

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

By Senator Soles:

S.B. 147, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF FAIR BLUFF TO DEVELOP A PARK AND INFORMATION CENTER.

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

By Senator Soles:

S.B. 148, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF SUNSET BEACH AND OCEAN ISLE BEACH TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Select Committee on Employee Hospital and Medical Benefits** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

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By Senator Stevens:

S.B. 149, A BILL TO BE ENTITLED AN ACT REPEALING THE EXPIRATION OF AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND ALLOWING USE FOR ELECTRIC FACILITIES.

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

By Senators Jenkins; and Jones:

S.B. 150, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEPARTMENT OF TRANSPORTATION OUTDOOR ADVERTISING SELECTIVE VEGETATION REMOVAL POLICY TO AUTHORIZE A FIVE HUNDRED FOOT REMOVAL ZONE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Jenkins:

S.B. 151, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

By Senator Jenkins:

S.B. 152, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD SENATORIAL DISTRICT.

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

By Senator Swindell:

S.B. 153, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE FEDERAL LAKE MATTAMUSKEET LODGE PRESERVATION ACT BY PROVIDING THAT THE WILDLIFE RESOURCES COMMISSION SHALL RESTORE AND MAINTAIN THE LODGE IN ACCORDANCE WITH THE NORTH CAROLINA ARCHIVES AND HISTORY ACT AND TO PROVIDE FOR ELIGIBILITY UNDER THE REPAIRS AND RENOVATIONS RESERVE ACCOUNT.

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

By Senator Hoyle:

S.B. 154, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT.

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

By Senator Hoyle:

S.B. 155, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT.

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

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By Senators Hoyle; Apodaca, Brock, Dorsett, Goodall, Hunt, Jenkins, Jones, Kerr, Pittenger, Rand and Snow:

S.B. 156, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS.

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

By Senators Kinnaird; Atwater, Berger of Franklin, Bingham, Boseman, Cowell, Dannelly, Dorsett, Foriest, Graham, Hagan, Jones, Malone, Rand, Shaw and Stevens:

S.J.R. 157, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ANNA PAULINE "PAULI" MURRAY, A DISTINGUISHED CIVIL RIGHTS LEADER, WRITER, LAWYER, FEMINIST, AND FORMER NORTH CAROLINIAN.

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

By Senators Atwater; Allran, Berger of Franklin, Boseman, Brown, Brunstetter, Cowell, Dalton, Forrester, Goodall, Hagan, Rand, Shaw, Snow, Stevens and Tillman:

S.B. 158, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR LAPEL BUTTON PLATE AND TO ELIMINATE THE FEE REQUIRED FOR THE PLATE.

Referred to the **Finance Committee**.

By Senators Forrester; Brunstetter, Goodall and Snow:

S.B. 159, A BILL TO BE ENTITLED AN ACT PROHIBITING THE LICENSE, TRANSFER, USE, OR SALE OF PHARMACY PRESCRIPTION INFORMATION FOR COMMERCIAL PURPOSES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Forrester; Brunstetter, Goodall and Snow:

S.B. 160, A BILL TO BE ENTITLED AN ACT REQUIRING THAT PRESCRIPTION DRUG LABELS CONTAIN THE COUNTRY OF MANUFACTURE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Forrester; Brunstetter and Goodall:

S.B. 161, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT RULES REQUIRING RANDOM TESTING OF STUDENTS PARTICIPATING IN INTERSCHOLASTIC ATHLETIC ACTIVITIES FOR PERFORMANCE ENHANCING DRUGS.

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

By Senators Berger of Franklin; Jones and Snow:

S.B. 162, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH CARE PROVIDERS AUTHORIZED TO WRITE PRESCRIPTIONS FOR CERTAIN CONTROLLED SUBSTANCES TO USE A STATE-PROVIDED SECURE PRESCRIPTION PAD, TO REQUIRE PHARMACISTS TO FILL ONLY THOSE PRESCRIPTIONS WRITTEN ON STATE-PROVIDED SECURE PRESCRIPTION PADS, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE PURCHASE OF SOFTWARE AND SERVICES TO IMPLEMENT THIS ACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Berger of Franklin; Atwater, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Forrester, Goss, Graham, Jones, Kinnaird, Malone, Nesbitt, Purcell, Shaw, Snow and Weinstein:

S.B. 163, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Allran, Dannelly, Dorsett, Bingham, Malone; and Jones:

S.B. 164, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RULES AND REGULATIONS REGARDING HOUSING INDIVIDUALS WITH MENTAL ILLNESS IN THE SAME FACILITY VICINITY AS INDIVIDUALS WITHOUT MENTAL ILLNESS, AND TO RECOMMEND STAFF TRAINING REQUIREMENTS FOR DIRECT CARE WORKERS IN LONG-TERM CARE FACILITIES TO PROVIDE APPROPRIATE CARE TO RESIDENTS WITH MENTAL ILLNESS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Allran, Dannelly, Dorsett, Bingham, Malone; and Jones:

S.B. 165, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF AGING AND ADULT SERVICES, FOR PROJECT C.A.R.E. WHICH PROVIDES SUPPORT FOR INDIVIDUALS WITH DEMENTIA AND THEIR CAREGIVERS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senator Allran:

S.B. 166, A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR CATAWBA COUNTY AS TO THE CONSTRUCTION OF CERTAIN LANDFILLS IN THAT COUNTY.

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

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By Senators Stevens; Allran, Boseman, Brunstetter, Forrester, Goodall, Jones, Kinnaird, Snow, Swindell and Tillman:

S.B. 167, A BILL TO BE ENTITLED AN ACT TO MAKE THE LEGISLATIVE INTERN PROGRAM AVAILABLE TO STUDENTS ENROLLED IN COMMUNITY COLLEGES THAT OFFER COLLEGE TRANSFER PROGRAMS AS WELL AS TO STUDENTS ENROLLED IN FOUR YEAR COLLEGES AND UNIVERSITIES.

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

By Senators Brock; Blake, Brown, Brunstetter, Forrester, Goodall, Hunt, Pittenger and Tillman:

S.B. 168, A BILL TO BE ENTITLED AN ACT TO MOVE THE PRESIDENTIAL PREFERENCE PRIMARY TO FEBRUARY.

Referred to the **Judiciary I Committee**.

By Senator Brock:

S.B. 169, 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 **Finance Committee**.

By Senators Dorsett; and Hagan:

S.B. 170, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO DESIGN AND CONSTRUCT GATEWAY GARDENS IN THE CITY OF GREENSBORO.

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

By Senators Garrou; Brunstetter, Jacumin, Jones, Rand and Snow:

S.B. 171, A BILL TO BE ENTITLED AN ACT TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE.

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

By Senators Albertson; Atwater, Brown, Brunstetter, Clodfelter, Foriest, Forrester, Goodall, Jenkins, Snow, Soles, Tillman and Weinstein:

S.B. 172, A BILL TO BE ENTITLED AN ACT TO ADD THE NORTH CAROLINA AGRIBUSINESS COUNCIL, INC., TO VARIOUS AGRICULTURAL BOARDS AND COMMISSIONS.

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

By Senators Albertson; Atwater, Brown, Brunstetter, Clodfelter, Foriest, Forrester, Goodall, Jenkins, Snow, Soles, Tillman and Weinstein:

S.B. 173, A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESIDENCY REQUIREMENT ON ALL HUNTING AND FISHING LICENSES FOR THE DISABLED AND TO MAKE TECHNICAL CORRECTIONS.

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

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Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 2:37 P.M.

FOURTEENTH DAY

Senate Chamber
Thursday, February 15, 2007

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, I've never known the right answer to the riddle, 'When a tree falls in an uninhabited forest, does it make a sound?' But a tree has fallen and I do know that whether friend or foe, every person in the Senate has some empathy whether spoken or in silence for Jim Black. We pray for him today because you have taught us to do so. Now grant the Senators rest and renewal over the coming weekend that they may return to serve with enthusiasm and without blemish. In your holy name we pray, Amen."

The Chair grants leaves of absence for today to Senator Graham, Senator Jones and Senator Lucas.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, February 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 privileges of the floor to Dr. John Williford, Jr. from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Carla Epperson from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

ADDITIONAL SPONSORS

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

S.B. 114, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ASSISTANCE RENDERED BY ANY HEALTH CARE PROFESSIONAL IN

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THE PROCESS OF A LAWFUL EXECUTION BY THE STATE DOES NOT RESULT IN DISCIPLINARY OR CORRECTIVE ACTION BY ANY STATE AUTHORIZED BOARD OR AUTHORITY, AND TO EXCLUDE THE ADMINISTRATION OF CONTROLLED SUBSTANCES USED IN AN EXECUTION FROM THE PRACTICE OF MEDICINE.

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

S.B. 158, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR LAPEL BUTTON PLATE AND TO ELIMINATE THE FEE REQUIRED FOR THE PLATE.

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

S.B. 114, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ASSISTANCE RENDERED BY ANY HEALTH CARE PROFESSIONAL IN THE PROCESS OF A LAWFUL EXECUTION BY THE STATE DOES NOT RESULT IN DISCIPLINARY OR CORRECTIVE ACTION BY ANY STATE AUTHORIZED BOARD OR AUTHORITY, AND TO EXCLUDE THE ADMINISTRATION OF CONTROLLED SUBSTANCES USED IN AN EXECUTION FROM THE PRACTICE OF MEDICINE.

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

S.B. 117, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTRACT WITH A CONSULTING FIRM TO STUDY ALL OF THE DEPARTMENT'S COUNTY ALLOCATION FORMULAS.

S.B. 118, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO DECLARE A VACANCY IN THE OFFICE OF DISTRICT COURT JUDGE, SUPERIOR COURT JUDGE, JUDGE OF THE COURT OF APPEALS, JUSTICE OF THE SUPREME COURT, OR DISTRICT ATTORNEY WHEN THE INCUMBENT DOES NOT HAVE THE LEGAL RIGHT TO EXERCISE ITS FUNCTIONS.

S.B. 119, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT EMPLOYEES OF THE DEPARTMENT OF DEFENSE AND THEIR DEPENDENTS SHALL QUALIFY FOR THE IN-STATE TUITION RATE.

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S.B. 120, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO PROVIDE FUNDS FOR ONLY ONE LOCAL SCHOOL ADMINISTRATIVE UNIT PER COUNTY.

S.B. 123, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DIVISION TEACCH AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

S.B. 124, A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL GOVERNMENTS TO ADOPT LAWS, RULES, OR ORDINANCES REGULATING SMOKING IN PUBLIC PLACES.

S.B. 132, A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF CERTAIN PORNOGRAPHY LAWS BY AMENDING THE DEFINITION OF SEXUAL ACTIVITY; TO INCREASE THE PENALTY FOR FIRST, SECOND, AND THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR; TO PROVIDE THAT IT SHALL BE ILLEGAL FOR THE OWNER OR OPERATOR OF A SOCIAL NETWORKING WEB SITE TO ALLOW A MINOR USING A PROTECTED COMPUTER TO CREATE OR MAINTAIN A PROFILE WEB PAGE ON A SOCIAL NETWORKING WEB SITE WITHOUT THE PERMISSION OF THE MINOR'S PARENT OR GUARDIAN AND WITHOUT PROVIDING SUCH PARENT OR GUARDIAN ACCESS TO SUCH PROFILE WEB PAGE AND TO PROVIDE FOR PENALTIES; TO PROVIDE THAT A FILM PROCESSOR, PHOTO FINISHER, OR COMPUTER TECHNICIAN WHO, IN THE COURSE OF WORK, ENCOUNTERS AN IMAGE OF A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE CUSTOMER REQUESTING THE WORK TO THE APPROPRIATE AUTHORITIES; TO INCREASE THE PENALTY FOR CERTAIN OFFENSES OF SOLICITATION OF CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT; TO MAKE IT A FELONY TO LIE TO A SWORN SBI AGENT CONDUCTING AN OFFICIAL INVESTIGATION; TO PROVIDE THAT AN INVESTIGATIVE GRAND JURY MAY INVESTIGATE CERTAIN ALLEGED CRIMES IN ADDITION TO THOSE RELATING TO CONTROLLED SUBSTANCES AND TO AMEND THE PROCEDURE FOR CONVENING AN INVESTIGATIVE GRAND JURY.

Upon motion of Senator Dannelly, seconded by Senator Hagan, the Senate adjourns subject to introduction of bills, ratification of bills and appointment of an escort committee, to meet Monday, February 19, at 6:30 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

February 15, 2007

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

S.B. 174, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A POLICY OF PROVIDING EACH JUDICIAL AND PROSECUTORIAL DISTRICT WITH COURT SYSTEM PERSONNEL REPRESENTING THE SAME PERCENTAGE OF TOTAL FUNDING THAT THE DISTRICT COMPRISES IN TERMS OF TOTAL CASELOAD, AND TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO ENSURE THAT ITS REQUESTS FOR FUNDING ARE CONSISTENT WITH THAT GOAL.

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

By Senators Snow; Albertson, Atwater, Dalton, Goodall, Purcell and Weinstein:

S.B. 175, A BILL TO BE ENTITLED AN ACT TO ENACT THE INTERSTATE WILDLIFE VIOLATOR COMPACT IN NORTH CAROLINA.

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

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

S.B. 176, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO APPLY FOR A MEDICAID WAIVER TO DISCOUNT INCOME EARNED UNDER FEDERAL PROGRAMS FOR PURPOSES OF DETERMINING MEDICAID ELIGIBILITY.

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

By Senators Rand; Dalton and Purcell:

S.B. 177, A BILL TO BE ENTITLED AN ACT TO PROVIDE ACCESS TO HEALTH INSURANCE COVERAGE TO CERTAIN INDIVIDUALS THROUGH THE ESTABLISHMENT OF THE NORTH CAROLINA HEALTH INSURANCE RISK POOL.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Rand; and Purcell:

S.B. 178, A BILL TO BE ENTITLED AN ACT TO PROVIDE A DISCOUNT IN TUITION FOR ANY STUDENT WHO ENROLLS IN A FIRE SCIENCE DEGREE PROGRAM AT ANY CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA OR THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM.

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

February 15, 2007

By Senators Rand; Atwater, Brown, Goodall, Preston and Purcell:

S.B. 179, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PROSECUTION OF MEDICAID FRAUD BY INCREASING CRIMINAL PENALTIES FOR PROVIDER FRAUD, ESTABLISHING A PRIVATE CIVIL ACTION FOR PROVIDER FALSE CLAIMS, AUTHORIZING INVESTIGATIVE DEMAND PROCEDURES IN CASES OF PROVIDER FRAUD, MAKING IT UNLAWFUL TO ENGAGE IN KICKBACK ACTIVITIES RELATING TO REFERRALS TO AND PURCHASES FOR THE MEDICAID PROGRAM, 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 Senators Rand; Brown, Goodall and Preston:

S.B. 180, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ALTERNATE JUROR MAY REPLACE A JUROR WHO IS UNABLE TO PERFORM THE JUROR'S DUTIES, IS DISQUALIFIED FROM PERFORMING THE JUROR'S DUTIES, OR IS DISCHARGED FOR MISCONDUCT OR OTHER EXTRAORDINARY CAUSE DURING DELIBERATION BY THE JURY ON THE ISSUES.

Referred to the **Judiciary I Committee**.

By Senator Smith:

S.B. 181, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

By Senator Smith:

S.B. 182, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

By Senators Hoyle, Hartsell, Swindell; Brown, Goodall, Goss, Jenkins, Pittenger and Preston:

S.B. 183, 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**.

By Senators Dalton; Atwater, Goss and Snow:

S.B. 184, A BILL TO BE ENTITLED AN ACT TO ALLOW JUSTICES AND JUDGES TO LIST A BUSINESS ADDRESS ON A STATEMENT OF ECONOMIC INTEREST AND TO ALLOW THE ADDRESS OF A SPOUSE AND THE NAMES AND ADDRESSES OF MINOR CHILDREN TO REMAIN CONFIDENTIAL.

Referred to the **Judiciary II Committee**.

February 15, 2007

By Senator Soles:

S.B. 185, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF BURGAW TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

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

By Senator Soles:

S.B. 186, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR TWO ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND TWO ADDITIONAL VICTIM WITNESS LEGAL ASSISTANTS FOR THE 13TH PROSECUTORIAL DISTRICT.

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

By Senators Weinstein; Albertson, Apodaca, Atwater, Bingham, Blake, Brown, Brunstetter, Clodfelter, Garrou, Hagan, Hoyle, Jenkins, Purcell, Rand, Snow, Soles, Stevens and Tillman:

S.B. 187, 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 Senator Allran:

S.B. 188, A BILL TO BE ENTITLED AN ACT RELATING TO THE 42ND SENATORIAL DISTRICT.

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

By Senator Allran:

S.B. 189, 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 Malone; Berger of Franklin, Bingham, Cowell, Dannelly, Dorsett, Forrester, Jones, Smith and Stevens:

S.B. 190, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE OVERSIGHT OF HAZARDOUS WASTE FACILITIES, AS RECOMMENDED BY THE GOVERNOR'S HAZARDOUS MATERIALS TASK FORCE.

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

ENROLLED BILLS AND RESOLUTIONS

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

February 15, 2007

S.J.R. 121, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES. (Res. 4)

APPOINTMENT OF ESCORT COMMITTEE

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Soles, Chair; Senator Rand; Senator Dorsett; Senator Dannelly; Senator Malone; Senator Forrester; Senator Berger of Rockingham; and Senator Allran as the Committee to escort The Honorable Michael F. Easley to the Joint Session of the General Assembly on Monday, February 19.

A message is ordered sent to the House of Representatives informing that Honorable Body of the escort committee.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 11:55 A.M.

FIFTEENTH DAY

Senate Chamber
Monday, February 19, 2007

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 state of the State is always a top of mind issue for the men and women of the Senate. The state of the State is why they labor long hours at home and here in the Legislature. Remind us, also, that the state of our relationship with you, O God, is of even greater importance. For the vision that we glorify in our minds, the ideal we enthrone in our hearts, this we shall build our lives by, this we shall become. On this Presidents' Day, we ask you to be ever present to our President. Give him your wisdom and quiet strength for the decisions he must make. In your holy name we pray, Amen."

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

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

February 19, 2007

The Chair extends privileges of the floor to Dr. Albert J. Osbahr from Hickory, North Carolina, who is serving the Senate as Doctor of the Day.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 19, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S.J.R. 121**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the Speaker has appointed the following members of the House of Representatives to serve with a like committee of the Senate to escort Governor Michael F. Easley to the Joint Session:

Representative Wainwright, Chair
Representative Cunningham
Representative Holliman
Representative Bell
Representative Farmer-Butterfield
Representative Ross
Representative Hall
Representative Stam
Representative McGee
Representative Justice
Representative Folwell, and
Representative Killian

Respectfully,
S/Denise G. Weeks
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

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

February 19, 2007

By Senators Tillman; Allran, Berger of Franklin, Bingham, Brock, Brown, Cowell, Dorsett, East, Forrester, Goodall, Hunt, Jacumin, Jenkins, Kerr, Malone, Pittenger, Preston, Purcell, Queen, Rand, Snow, Stevens and Weinstein:

S.B. 191, A BILL TO BE ENTITLED AN ACT TO ADD FIVE PROFESSIONAL DEVELOPMENT DAYS FOR TEACHERS TO THE SCHOOL CALENDAR.

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

By Senator Jacumin:

S.J.R. 192, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GARY M. CLARK, FORMER SHERIFF OF CALDWELL COUNTY.

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

By Senators Hoyle and Forrester:

S.B. 193, A BILL TO BE ENTITLED AN ACT TO ASSIST GASTON AND LINCOLN COUNTIES IN RESOLVING THEIR COMMON BOUNDARY BY ALLOWING THEM TO VARY FROM THE LINE ESTABLISHED BY THE 1963 GENERAL ASSEMBLY TO RECOGNIZE HISTORICAL PRACTICE.

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

By Senator Hoyle:

S.J.R. 194, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Shaw; Atwater, Berger of Franklin, Clodfelter, Cowell, Dorsett and Foriest:

S.B. 195, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES.

Referred to the **Judiciary I Committee**.

By Senators Shaw; Atwater, Berger of Franklin, Blake and Goodall:

S.B. 196, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR SATELLITE-BASED MONITORING OF SEX OFFENDERS AND TO MAKE OTHER CHANGES TO THE SEX OFFENDER LAWS.

Referred to the **Judiciary I Committee**.

By Senators Dorsett; Allran, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Brown, Clodfelter, Dalton, Dannelly, Garrou, Goss, Graham, Hoyle, Jenkins, Jones, Malone, Nesbitt, Preston, Purcell, Shaw,

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Stevens, Tillman and Weinstein:

S.B. 197, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET OF THE 2005 AMENDMENTS TO THE LAW THAT STRENGTHENED THE PROTECTION OF CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS FROM THE UNFAIR AND DECEPTIVE TRADE PRACTICES OF DEBT ADJUSTERS AND THAT DISTINGUISHED DEBT ADJUSTMENT FROM THE LEGITIMATE PRACTICES OF ORGANIZATIONS THAT PROVIDE CREDIT COUNSELING, EDUCATION, AND DEBT MANAGEMENT SERVICES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Dorsett, Hagan; Berger of Franklin, Bingham, Cowell, Dannelly, Graham, Jones, Malone and Shaw:

S.B. 198, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INTERNATIONAL CIVIL RIGHTS CENTER AND MUSEUM.

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

By Senators Dorsett; Allran, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Brown, Clodfelter, Dalton, Dannelly, Garrou, Goss, Hoyle, Jenkins, Jones, Malone, Nesbitt, Preston, Purcell, Shaw, Stevens, Swindell, Tillman and Weinstein:

S.B. 199, A BILL TO BE ENTITLED AN ACT TO MAINTAIN AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND DISABLED PERSONS AND TO APPROPRIATE FUNDS FOR THE SERVICE.

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

By Senators Dorsett; Berger of Franklin, Bingham, Dannelly, Graham, Hagan, Jones, Malone and Shaw:

S.B. 200, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHARLOTTE HAWKINS BROWN MUSEUM AT THE PALMER MEMORIAL INSTITUTE.

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

By Senator Rand:

S.B. 201, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW REGULATING THE SALE OF CERTAIN METALS BY SECONDARY METALS RECYCLERS AND TO INCREASE THE CRIMINAL PENALTIES FOR VIOLATIONS OF THOSE REGULATIONS, FOR ILLEGAL SALES OF CERTAIN METALS, AND FOR THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES TO OBTAIN WIRE OR METALS FOR UNLAWFUL GAIN.

Referred to the **Judiciary I Committee**.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 19, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S.J.R. 121**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Upon motion of Senator Basnight, and in accordance with S.J.R. 121, the Senate stands in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session for the purpose of receiving the State-of-the-State Address from the Honorable Michael F. Easley and further moves that, upon dissolution of the Joint Session, the Senate stand adjourned to reconvene Tuesday, February 20, at 2:00 P.M.

The President declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

JOINT SESSION

With members of the House of Representatives standing, the Senate is received in the Hall of the House of Representatives.

The Honorable Joe Hackney, Speaker of the House of Representatives, presides and recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Chief Justice and the Associate Justices of the Supreme Court of North Carolina, and the Judges of the Court of Appeals. The Speaker directs the Sergeant-at-Arms of the House of Representatives to open the doors and escort the members of the Judiciary to their seats.

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The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of members of the Council of State and the Governor's Cabinet. The Speaker directs the Sergeant-at-Arms to open the door of the House of Representatives and escort the members of the Council of State and the Governor's Cabinet to their seats.

The Speaker extends the courtesies of the House to the First Lady of North Carolina, Mrs. Mary Easley, and to Mr. Michael Easley, son of Governor Michael F. Easley, and all invited guests.

The Speaker relinquishes the gavel to Lieutenant Governor Beverly E. Perdue, President of the Senate, who presides.

The President of the Senate calls the Joint Session of the General Assembly to order.

The President recognizes the Sergeant-at-Arms of the House of the Representatives who announces the presence of His Excellency, The Honorable Michael F. Easley, Governor. The President directs the Sergeant-at-Arms of the House of Representatives and the Sergeant-at-Arms of the Senate and the Committees appointed by the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives to escort the Governor to the Well of the House of Representatives. Senator Soles is recognized and presents the Governor to the President of the Senate. The President presents His Excellency, The Honorable Michael F. Easley, who delivers the State-of-the-State Address to the 2007 General Assembly.

STATE-OF-THE-STATE ADDRESS

“Mr. Speaker Hackney, Senator Basnight, Lieutenant Governor Perdue, Members of the General Assembly, Chief Justice Parker, Members of the Supreme Court, Members of the Court of Appeals, Council of State and Cabinet, honored guests and fellow citizens, before I get too far along, I want to recognize my family and thank Mary and Michael for their love and support. Thank you for being here again tonight. If you are wondering what goes through a Governor’s mind in the State of the State address, I always worry that I’m going to come in and recognize my family and Mary hasn’t shown up. But she stuck with me this long.

“Tonight, it is my honor to deliver my final State of the State Address. It is much easier than the first one in 2001, because our State is stronger.

We have taken the toughest blows that a national recession and federal trade policy could offer and we are not only surviving in this new world economy, we are thriving in it. Because of your hard work and discipline, we turned a \$2.5 billion shortfall into years of budget surplus.

We have 300,000 more North Carolinians employed today than we did six years ago.

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“Our schools have lower class size and higher test scores. Six years ago, we had no pre-K program in North Carolina. Today, we have almost 20,000 four-year-olds in More at Four and we are adding 10,000 more this year and with this budget, we will raise teacher pay by 18 percent since 2005 and we are not through yet. We fully funded low-wealth schools, sent turn around teams into failing schools, and we are auditing every school in this State to ensure full accountability for every education dollar you spend.

“Our progress is not always measured by how many new programs we start, or how much new money we spend. At this point, given how aggressive you have been, some of our success has to be measured by how well we reap what we have sown. We have planted seeds of success all across this great State and we must see them to fruition. Progress is not always about planting new crops, it is often about tending the current harvest and increasing the yield. Now having said that I did bring a little bit of seed corn with me tonight just in case you have some ambition.

“We have worked together closely as all good governments should. We may serve in different branches, but we all share the same roots. I know progress has not always been easy. If it was, it could have been done by lesser people. But it has always been a great reward.

“It is great to have the best business climate in America. It is great to have the best credit rating in America and it is great to have the most education progress in the Country. We have done well, but we cannot be satisfied with yesterday's progress. We have to represent the spirit of our people who have disdain for mediocrity and demand for excellence.

“As our soldiers sacrifice abroad, we must show that we are worthy of that sacrifice here at home. They should return to a better North Carolina than they left. Our Nation is still at war. North Carolina is experiencing the largest deployment of soldiers since World War II. We pray for their safe and speedy return. War has tragic consequences. The children of our military struggle too. That is why you funded military family support. The children sacrifice a lot and I am asking you to help them even more this year.

“Let me tell you a story. Breanna Bodden is a nine year-old honor student at South Harnett Elementary near Fort Bragg. Breanna's stepfather was deployed to Iraq. Then her mother, Rebecca, a Reservist, was called up and was deployed to Iraq. And most recently, her father was also deployed to Iraq. She is living with Deborah Clark, a family friend. Breanna's situation is not all that unique. It is one of the consequences of war. But, Breanna is with us tonight and her mom and her dad and her stepfather are all watching live from Iraq. Breanna, I want to say to you and to your family watching tonight that we are proud of everyone of you and that North Carolina will be here for you until your family is reunited. Breanna, before you sit down I want you to send them a kiss over to this camera right here.

“The true fight for the American way of life is not only in Iraq and Afghanistan. We have enemies to conquer here, as well. In this new world economy, we must fight the enemy of ignorance and illiteracy, the enemy of apathy and complacency, and the enemy of anguish and poverty.

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“Protecting America means much more than just providing for the national defense. We must protect our economic security, as well. We must be committed to the patriotic duty of providing the knowledge, talent, and skill for our people to compete and win in the world marketplace. For in this global era, the unskilled nations will suffer and the skilled nations will prosper and North Carolina intends to prosper.

“North Carolina was the only state to keep the schoolhouse doors open during the Great Depression - and we must open them wider still today, for as America leads the world, North Carolina must lead the Nation. That is why working together we developed Learn and Earn early college schools. Learn and Earn allows high school students to take college courses at the high school. Students can earn a college associate's degree with just one extra year of school. Families save thousands of dollars in education costs and the graduation rate goes up. Now these schools have made national headlines, from *Newsweek* to CBS News and have won national awards for innovation.

“But students like Ashley Williams are what Learn and Earn is really all about. Ashley's mom asked her to go to the Learn and Earn in Durham because that was the only way she felt that she could afford for Ashley to go to college. For Ashley, college was a very distant dream. Now, she is two courses away from earning her associate's degree and she plans to try and get her bachelor's degree starting next year. Ashley is in the audience tonight. She is one of the first in her family to ever to go to college. Ashley, we are proud of you. Her future plans include a career in public service and she told CBS News that she wants to be Governor. She has two more years of college. I have two more years as Governor - it might work out! Ashley, stand up please.

“We must support Ashley's education not only because of her worth as a child of God, but we need Ashley and all the other Ashleys out there to develop and contribute their talent to build One North Carolina and a stronger America.

“There are other nations emerging, jealous of our success and position in the world. They are investing very heavily in education. They are poised to take advantage of any weakness that we allow or create. We will not let our lead in creativity and innovation erode. Let all know that this State and this Nation will make any sacrifice and invest any resource but we will never, ever surrender our position as world leader. This time in our history does not call for following the old familiar path. Now is the time to blaze a new trail so that all people of goodwill and ambition can travel that path to prosperity. I believe the path is clear.

“We obligated ourselves in our Constitution to provide for K through 12 education. But that same document requires us to offer college education as free as practical and, in this new world, it is impractical not to offer college education to every citizen. As more of our students receive an advanced degree, North Carolina becomes stronger. College graduates earn 60 percent more than high school graduates. They generate more wealth, they generate more revenue and they generate more innovation, and we secure our place as a leader in the world economy. I have worked with Learn and Earn schools like Ashley's. Right now we have 75 across the State. That is good, but it is not enough. My

budget will include support to take Learn and Earn early college statewide. We are changing the delivery system for education in this State. Just as Breanna was able to send her love to her parents in a split second with technology, we are able to send the education out of the University of North Carolina to every student in every corner of every County in this State and it is only fair that every student have an opportunity to take college-level courses and earn that associate's degree at their high school and we can do it for free.

“The time for timidity has passed. The time for action has come. So let us be bold and aggressive and set the goal that all students can earn an associate's degree in college by the time they leave school. President Erskine Bowles of the University of North Carolina System and Martin Lancaster with the Community College System and State Board Chair Howard Lee have worked tirelessly and gotten this program up and running. They are our model for the kind of partnership it takes to build a seamless education. Gentlemen, the parents thank you, the students thank you and tonight, we thank you.

“But there is more. To middle and high schoolers and their families across the State, I say to you tonight - you can all get a four-year college degree in North Carolina. Our tuition is one of the lowest in the Nation and we are going to keep it low. We have increased financial aid for needy students every year. This legislature now provides almost \$300 million in college aid every year. We have come this far so that we can finish the job this year. Just as other generations have sacrificed so that we might prosper, our generation will do no less. My budget will provide students in low- and moderate-income families with a grant for a college education. But students, I want you to hear me clearly. This plan is no free lunch. You have to have some skin in the game. You have to earn it. You have to achieve it. With every opportunity comes accountability. We will supply a grant, but you have to keep your grades up and be willing to work 10 hours a week. If you do, you can graduate from college in North Carolina debt free. The grant will pay for two additional years of college so students who complete the Learn and Earn associate's degree can finish college at one of our very finest state universities.

“Now, let us think about this for just a minute...let's talk about it for a minute. We are investing billions of dollars in early childhood, pre-K, lower class size, literacy coaches, teacher pay increases. We are doing all of this, not so we can maintain the status quo. We are putting more money up front so we can get better achievement out back. If we are not going to demand that, then why spend the money. We are demanding more achievement and education. We are raising the bar, we are giving more opportunity. When we give more opportunity we expect more accomplishment. The people of this State have been tested before and they have always answered the call. Today, it is the duty of every citizen to learn as much as they can so that they can compete, fiercely compete, in the world economy and it is our duty to offer that opportunity. It is the right thing to do not because our Constitution orders it, not because our economy requires it, but because our North Carolina values demand it. Education is critical to protecting America.

“But we have other obligations as well. We know that we will be judged by

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how we treat the least of our people. We should welcome that scrutiny. Even during the worst of times, you refused to follow the poor example of others. Many denied their most vulnerable citizens Medicaid and child health care. We did not follow Washington's example of cutting the safety net for our most needy. In fact, we replaced federal cuts for the disabled and we increased our child health care and we numbed the pain of Washington politics as much as we possibly could. We even had to replace federal cuts to foster-care families. When children enter foster care, we the State assume the role of guardian. We become their parents and we raise them. But when these children reach 18, they are set out on their own with no financial support, no health care, no higher education and no family. I believe we can do better than that. I propose that we do for them, the State's children, the same thing as we do for our own. Offer them health care until age 21 while they pursue their college education. After all, we did commit to raise these children so let us do it in a way so they can be strong and we can be proud.

“Meanwhile, we can hope that all children will have a loving family. We can help families afford the costs of adopting a child. By offering an adoption tax credit, we can provide the opportunity not only for a family to have a child, but for every child to have a family.

“We have to help families who cannot afford health care for their children. We have done it every year so far. We fully funded the Child Health Insurance Program. This stops a small problem from becoming a major illness and a major cost to us. We are never so big as when we help those who are small. We will fully fund CHIPS again this year.

“But you know now that middle class families are feeling the financial squeeze from the rising cost of health care. The N.C. Kids Care package that I will propose will cover 12,000 children in North Carolina families who earn an income of up to 300 percent of the poverty level.

This plan will require these families to pay an affordable amount and their children will have health care coverage for the first time in their lives.

“We have seen Washington shift the risk and burden in America to our low- and middle-income families. Some of them have just tried to make it through the day. It is time to reverse that trend. We must all value work and lessen the burden on hardworking people who struggle under the crushing weight of poverty. We can do it by making our tax code fairer. The principle behind it is simple. People in poverty should not pay income tax in this State. Tonight, I propose that we eliminate the income tax entirely for almost 600,000 North Carolina taxpayers and cut it in half for nearly 650,000 more. We will send a message in a loud and mighty voice that we place a premium on work and we mean for it to pay off for hard-working people. It is fair. It is just and it is affordable.

“We will never forget the greatest generation. Our seniors are having difficulty navigating Medicare D. Some of them still cannot pay the premiums. If they do not get their medication, they end up in the hospital. Now that is more suffering for them and more cost for us. So I am pleased to report to this General Assembly tonight that the plan you wanted, North Carolina Rx, is

already improving the lives of 4,000 seniors and we are making room for 45,000 more this year. Our seniors built this country and they made it great. They were there for us when we needed them and we will be there for them whenever they need us.

“But you know, protecting the least of these is not just about helping those who are poor. All children should feel safe in school. My budget will add additional school safety officers to make sure that every child is protected in their school. Parents have the right to know that when they drop their children off at school in the morning, that they are leaving them in a safe environment. That is the least that we can do.

“It still takes too long for criminal cases to be prosecuted. We must build on the progress that you made last year for the courts and for law enforcement. We are adding additional prosecutors, judges, victims' assistance clerks, and we are expanding our prisons. If you commit a violent crime in this State, we are going to take you to court faster and keep you in jail longer. We are also funding more technology and communications for local law enforcement, as we have done every year since 9/11/2001.

“But you know, much has changed in those six years. Our economy is transitioning to newer and better jobs. Our economic and business climate is ranked among the best in the nation. You should be proud of what you have accomplished. You have done it with the strategy we set in 2001. We are keeping the tax burden low and the education level high. We are staying focused on creativity and innovation, America's competitive edge, and we are using smart and targeted investments. And all of our incentives must continue to be based on performance and accountability. I ask you to fund that package again this year. At the same time, we will continue to fund our research institutions, we will build regional centers for promising new opportunities across North Carolina and we will give tax relief to small businesses. There are only so many high-skill jobs out there and we have to be aggressive and stay aggressive every hour of every day until we transition our economy in every county so that every citizen who wants a better job can get a better job.

“If any of our counties are weak, then all of us are weaker for it. We must have strong state and local governments. We have to work together to help those low-wealth counties that are struggling with the high cost of Medicaid. I know that the Commission on State and Local Fiscal reform is working hard on a solution. They are due to make a recommendation to us next month. But if we do not get a timely and reasonable recommendation, we will offer our own plan. But, one way or another, we need to face and fix this problem this session.

“Our disciplined nature must extend to energy use, as well. We want this Country to be energy independent and small steps that we can take make a big difference. We have saved millions in state government buildings by making them more energy efficient. All of us have to conserve more. We cannot just keep building more and more power plants. This year, working with the power companies, we will give people incentives. If you increase your energy efficiency then we will decrease your power bill. We will offer the best tax credits in the nation for alternative power. You know we basically have two

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choices. We can start working toward energy independence or we can put our Country at risk. I think we all know we must choose independence.

“Together, we have enhanced our environment by cleaning our water and cleaning our air. We have added more than 400,000 acres in state lands, from the waterfalls of Dupont Forest to the cliffs of Chimney Rock. Great natural resources are not replaceable and we will never let them be destroyed.

“Lastly, you took needed steps toward ethics and campaign reform last session. But this year and every year to come, there will always be more work to be done and more improvements to be made. We must be mindful that democracy only works when people participate and people only participate when they have confidence in the integrity of the political process. I urge you to continue to improve and refine the good work that you have started until it fully reflects the character and the integrity of the people of North Carolina.

“So tonight, we have positioned our State well. We can never forget how we got here and what we have been through. Now is not the time to abandon fiscal discipline. We cannot over-spend, over-tax or over-borrow. Real progress must be sustainable and it must be paid for. Otherwise, the promises that we make today will have to be broken tomorrow. So fiscal discipline, education progress, care for the least of these are the hallmarks of a great State.

“I came here in 2001 when we were facing the largest budget shortfall in the history of this State, recovering from a flood of 40 of our 100 counties and losing hundreds of thousands of jobs to foreign trade. I said then and I say again tonight, ‘It is the darkest hours that bring out the brightest stars.’ And, oh, how you did shine. You made more progress during a recession than others did during a decade of prosperity. Success is contagious and progress is its own momentum and you have continued to shine and fight off that enemy of apathy and complacency.

“So now, greatness is within our reach. Let us never have regret for lost opportunity because we can build what others would not dream and dream what others would not dare. We can build a stronger, brighter and better North Carolina. And in our stronger and brighter future, they will say about you, you who serve here tonight, that you had courage. They will say about you, you who serve here tonight, that you had compassion. They will say about you, that your values were good and just and fair and I will say about you that I have been blessed to serve with you. Thank you and may God bless North Carolina. Now let’s get it done.”

The Escort Committee is recognized to escort Governor Easley from the Hall of the House of Representatives, who departs to a standing ovation.

Upon motion of Senator Basnight, seconded by Speaker Hackney, the Joint Session is dissolved, and pursuant to the motion prevailing earlier in the Senate, the Senate adjourns at 7:46 P.M. to reconvene Tuesday, February 20, at 2:00 P.M.

SIXTEENTH DAY

Senate Chamber
Tuesday, February 20, 2007

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 Steve Goss, Senator from Watauga County, as follows:

"Eternal God, you have taught us to love even when it is difficult to love. You have taught us to hope even when so much of the world finds no hope. You have taught us to have faith in things unseen when it is difficult to believe even in the things we see. So Father may we simply believe in you. In the name of your creation we pray, Amen."

The Chair grants leaves of absence for today to Senator Cowell and Senator Lucas.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, February 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Charles C. Corey from Concord, North Carolina, who is serving the Senate as Doctor of the Day, and to Denise Korn from Jamestown, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senators Rand; Dalton, Dorsett, Garrou, Hagan, Kinnaird, Stevens and Swindell:

S.J.R. 235, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL WOMEN'S SOCCER TEAM FOR WINNING THE 2006 NCAA CHAMPIONSHIP.

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

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

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CHANGES TO 2007 SENATE COMMITTEES

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Boseman to the **Finance Subcommittee on Capital & Infrastructure Financing**.

SENATE PAGES

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

Max Ammons, Wake Forest; Jacob Berrier, Salemburg; Stanley Carter, Salemburg; Chemin Duffey, Cary; Christopher Grijalva, Salemburg; Toya Hall, Durham; Derrick Hall, Salemburg; Marleena Jenkins, Bryson; Jason Lipscomb, Salemburg; Daniel McIntyre II, Wilmington; AJ Osbahr IV, Hickory; John Summerford, Edenton; Nicholas Summerford, Edenton; Alex Thompson, Rutherfordton; and Joshua Williams, Salemburg.

Upon motion of Senator Basnight, seconded by Senator Purcell, the Senate adjourns subject to introduction of bills and reading of a message from the Governor to meet Wednesday, February 21, at 3:00 P.M.

MESSAGE FROM THE GOVERNOR

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

MICHAEL F. EASLEY
GOVERNOR

February 19, 2007

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute § 62-10, I hereby reappoint Samuel James Ervin to serve as a member of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. Mr. Ervin's present term expires June 30, 2007. His new term shall begin upon confirmation and will expire June 30, 2015.

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Enclosed are the biographical information and the evaluation of the Statement of Economic Interest for this appointee. Please feel free to call on him or members of my staff if you need additional information.

With kindest regards, I remain

Very truly yours,
S/Michael Easley

MFE: as
Enclosure

c: The Honorable Marc Basnight
The Honorable Joe Hackney
The Honorable Beverly Perdue
Ms. Denise Weeks

Referred to the **Commerce, Small Business and Entrepreneurship Committee.**

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Dalton:

S.B. 202, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

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

By Senator Dalton:

S.B. 203, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

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

By Senator Goss:

S.B. 204, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO ENABLE THE TOWN OF BOONE TO PURCHASE A NEW FIRE TRUCK SO THAT THE TOWN CAN ADEQUATELY PROTECT APPALACHIAN STATE UNIVERSITY FROM FIRES.

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

By Senator Goss:

S.J.R. 205, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BENNY PARSONS, FORMER NASCAR DRIVER AND POPULAR SPORTSCASTER.

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

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By Senator Tillman:

S.B. 206, A BILL TO BE ENTITLED AN ACT RELATING TO THE 29TH SENATORIAL DISTRICT.

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

By Senator Tillman:

S.B. 207, A BILL TO BE ENTITLED AN ACT RELATING TO THE 29TH SENATORIAL DISTRICT.

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

By Senators Dalton, Kerr; Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Blake, Brown, Dorsett, East, Forrester, Hunt, Jenkins, Preston, Purcell, Queen, Rand, Smith, Snow, Stevens, Swindell, Tillman and Weinstein:

S.B. 208, 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 Brown:

S.B. 209, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF JONES.

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

By Senator Brown:

S.B. 210, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ONSLOW.

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

By Senators Cowell; Goodall and Jones:

S.B. 211, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING ELECTRONIC SIGNATURES BY CLARIFYING THAT PUBLIC AGENCIES MAY USE, AS WELL AS ACCEPT, ELECTRONIC SIGNATURES.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird; and Clodfelter:

S.B. 212, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING APPEALS OF QUASI-JUDICIAL DECISIONS MADE UNDER ARTICLE 19 OF CHAPTER 160A AND ARTICLE 18 OF CHAPTER 153A OF THE GENERAL STATUTES.

Referred to the **Judiciary I Committee**.

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By Senators Brock; Allran, Blake, East and Tillman:

S.B. 213, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A FIVE-YEAR PERIOD.

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

By Senator Brock:

S.B. 214, A BILL TO BE ENTITLED AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING A REFERENDUM ON ANNEXATION ON PETITION OF THE RESIDENTS BEING ANNEXED, AND TO ALLOW THE CITY TO PROVIDE FOR A REFERENDUM ON ANNEXATION.

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

By Senators Berger of Franklin; Cowell, Goss, Graham and Kinnaird:

S.B. 215, A BILL TO BE ENTITLED AN ACT TO REDUCE ROADSIDE AND OTHER LITTERING AND TO ENCOURAGE RECYCLING BY REQUIRING A DEPOSIT ON BEVERAGE CONTAINERS AND REQUIRING REDEMPTION CENTERS TO ACCEPT RETURNED BEVERAGE CONTAINERS AND REFUND THE DEPOSITS.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:34 P.M.

SEVENTEENTH DAY

Senate Chamber
Wednesday, February 21, 2007

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

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

"Dear God, I was going to pray about judgment today, but on the way down here I saw beautiful pansies, noticed a certain color blue sky, heard birds singing and felt the warm 67-degree air. Now I just feel like affirming that the earth is yours and the fullness thereof. Let us find renewal and joy in that revelation. Amen."

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The Chair grants leaves of absence for today to Senator Cowell, Senator Jacumin and Senator Lucas.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, February 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Karen Metzguer from Hillsborough, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator East for the **State & Local Government Committee**:

S.B. 50, A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO INVESTIGATE THE POTENTIAL FOR AGREEMENTS WITH OTHER STATES FOR THE RECIPROCAL HONORING OF HUNTING AND FISHING LICENSES FOR THE DISABLED, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Monday, February 26.

S.B. 74, A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Monday, February 26.

S.B. 115, A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE FOR FUTURE ELECTED MEMBERS OF THE CHEROKEE COUNTY BOARD OF EDUCATION FROM SIX YEARS TO FOUR YEARS, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Monday, February 26.

S.B. 143, 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 Rand, the bill is placed on the Calendar for Monday, February 26.

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S.B. 149, A BILL TO BE ENTITLED AN ACT REPEALING THE EXPIRATION OF AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND ALLOWING USE FOR ELECTRIC FACILITIES, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Monday, February 26.

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces that Senator Kinnaird, Chair; Senator Boseman; Senator Cowell; Senator Dorsett; Senator Garrou; Senator Hagan; and Senator Preston are appointed as the Committee to escort The University of North Carolina at Chapel Hill Women's Soccer Team to the Joint Session on Thursday, February 22.

A message is ordered sent to the House of Representatives informing that Honorable Body of the escort committee.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senators Rand; Albertson, Apodaca, Atwater, Berger of Franklin, Bingham, Blake, Brock, Brown, Brunstetter, Clodfelter, Dalton, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Snow, Soles, Stevens, Swindell, Tillman and Weinstein:

S.J.R. 279, A JOINT RESOLUTION HONORING THE WOMEN'S SOCCER TEAM AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL ON BECOMING THE 2006 NCAA NATIONAL WOMEN'S SOCCER CHAMPIONS.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for Thursday, February 22.

WITHDRAWAL FROM COMMITTEE

S.J.R. 157, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ANNA PAULINE "PAULI" MURRAY, A DISTINGUISHED CIVIL RIGHTS LEADER, WRITER, LAWYER, FEMINIST, AND FORMER NORTH CAROLINIAN, referred to the **Rules and Operations of the Senate Committee** on Wednesday, February 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 Monday, February 26, which motion prevails with unanimous consent.

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The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, February 26.

ADDITIONAL SPONSORS

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

S.B. 96, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE CREATION OF FAMILY ASSISTANCE CENTERS TO BENEFIT MILITARY PERSONNEL AND THEIR FAMILIES.

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

S.B. 125, A BILL TO BE ENTITLED AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL ANY INSTRUMENT THAT CAN BE USED TO ATOMIZE OR INTRODUCE A TOXIC VAPOR INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION.

Upon motion of Senator Basnight, seconded by Senator Snow, the Senate adjourns subject to introduction of bills and ratification of bills to meet Thursday, February 22, at 8:45 A.M.

ENROLLED BILLS AND RESOLUTIONS

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

S.J.R. 235, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL WOMEN'S SOCCER TEAM FOR WINNING THE 2006 NCAA CHAMPIONSHIP. (Res. 5)

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Jones:

S.B. 216, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.

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

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By Senator Jones:

S.B. 217, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.

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

By Senators Jones; and Rand:

S.B. 218, 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 Jones; and Rand:

S.B. 219, 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 Senator Jones:

S.B. 220, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ROANOKE RAPIDS AND THE TOWNS OF AHOSKIE AND WELDON.

Referred to the **Finance Committee**.

By Senators Goodall; Dannelly and Graham:

S.B. 221, A BILL TO BE ENTITLED AN ACT CONCERNING INVESTMENTS OF THE CITY OF CHARLOTTE.

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

By Senators Goodall; Clodfelter, Dannelly, Graham, Jones, Pittenger and Smith:

S.B. 222, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL OFFENSE OF ROBBERY WITH FIREARMS OR OTHER DANGEROUS WEAPONS TO INCLUDE APPARENT FIREARMS.

Referred to the **Judiciary II Committee**.

By Senators Goodall; Clodfelter, Dannelly, Graham and Pittenger:

S.B. 223, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT OFFICERS OF THE CHARLOTTE-MECKLENBURG POLICE DEPARTMENT MAY ARREST PERSONS ANYWHERE IN THE STATE FOR OFFENSES COMMITTED WITHIN THE DEPARTMENT'S TERRITORIAL JURISDICTION.

Referred to the **Judiciary I Committee**.

By Senator Soles:

S.B. 224, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO ASSESS CANAL DREDGING FEES ON THE SAME BASIS AS SPECIAL ASSESSMENTS.

Referred to the **Finance Committee**.

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By Senator Soles:

S.J.R. 225, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF EDWARD S. FINLEY, JR. TO THE UTILITIES COMMISSION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Boseman:

S.B. 226, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT.

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

By Senator Boseman:

S.B. 227, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT.

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

By Senator Boseman:

S.B. 228, 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 Senators Boseman; Jones and Rand:

S.B. 229, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS A FELONY WITH LIFE IMPRISONMENT WITHOUT PAROLE IF A PERSON WHO WAS THE RESPONDENT OF, AND SUBJECT TO, A DOMESTIC VIOLENCE PROTECTIVE ORDER MURDERS THE PETITIONER WHO OBTAINED THE ORDER, OR SOME OTHER PARTY THAT HAD BEEN DESIGNATED AS A PERSON PROTECTED BY THE ORDER.

Referred to the **Judiciary I Committee**.

By Senator Boseman:

S.B. 230, 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 Senator Snow:

S.B. 231, A BILL TO BE ENTITLED AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN TRANSYLVANIA COUNTY APPOINTIVE.

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

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By Senator Kinnaird:

S.B. 232, A BILL TO BE ENTITLED AN ACT TO MODIFY PROSECUTIONS OF COUNTERFEIT SALES.

Referred to the **Judiciary I Committee**.

By Senator Albertson:

S.B. 233, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

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

By Senator Albertson:

S.B. 234, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

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

By Senator Jenkins:

S.B. 236, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROFESSIONAL HOUSEMOVING STATUTES CONTAINED IN ARTICLE 16 OF CHAPTER 20 OF THE GENERAL STATUTES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Kerr and Jenkins:

S.B. 237, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PITT COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES OR COMMUNITY COLLEGE PLANT FUND PURPOSES, IF APPROVED BY THE VOTERS OF THE COUNTY.

Referred to the **Finance Committee**.

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

S.B. 238, A BILL TO BE ENTITLED AN ACT TO ADJUST THE ADDITIONAL TAX RATE ON PROPERTY COVERAGE CONTRACTS TO BE REVENUE NEUTRAL BASED ON AN EXPANSION OF THE TAX BASE ENACTED IN S.L. 2006-196, TO INCREASE THE DISTRIBUTION OF THE TAX PROCEEDS TO THE VOLUNTEER FIRE DEPARTMENT FUND, TO AMEND THE VOLUNTEER FIRE DEPARTMENT GRANT PROGRAM TO ALLOW MORE DEPARTMENTS TO QUALIFY FOR GRANTS, AND TO MODIFY THE DISTRIBUTION OF TAX PROCEEDS TO THE LOCAL FIREMEN'S RELIEF FUNDS.

Referred to the **Finance Committee**.

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

S.B. 239, A BILL TO BE ENTITLED AN ACT TO AMEND THE SALES TAX DEFINITIONS TO COMPLY WITH THE STREAMLINED SALES TAX AGREEMENT AND TO MAKE OTHER SALES TAX CHANGES.

Referred to the **Finance Committee**.

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By Senators Clodfelter, Dalton, Hartsell, Hoyle, Kerr; Goodall and Snow:

S.B. 240, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS.

Referred to the **Finance Committee**.

By Senators Clodfelter, Dalton, Hartsell, Hoyle, Kerr; Atwater and Goodall:

S.B. 241, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS.

Referred to the **Finance Committee**.

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

S.B. 242, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A UNIFORM PROCEDURE FOR TAX REFUND CLAIMS.

Referred to the **Finance Committee**.

By Senators Forrester; Bingham, Brunstetter, Dannelly, Foriest, Goodall, Hoyle, Jones, Purcell, Smith, Stevens and Tillman:

S.B. 243, A BILL TO BE ENTITLED AN ACT TO ESTABLISH WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES THE OFFICE OF MEN'S HEALTH.

Referred to the **Health Care Committee**.

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

S.B. 244, A BILL TO BE ENTITLED AN ACT TO REQUIRE CORPORATIONS TO FILE A COMBINED INCOME TAX REPORT.

Referred to the **Finance Committee**.

By Senators Hoyle; and Snow:

S.B. 245, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A SALES AND USE TAX REFUND FOR TOURISM DEVELOPMENT AUTHORITIES.

Referred to the **Finance Committee**.

By Senators Swindell; Albertson, Allran, Apodaca, Atwater, Bingham, Brown, Dalton, Dannelly, Foriest, Garrou, Goodall, Goss, Hoyle, Jones, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Snow and Stevens:

S.B. 246, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE SALARIES OF FULL-TIME COMMUNITY COLLEGE FACULTY AND PROFESSIONAL STAFF.

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

By Senators Swindell; Albertson, Atwater, Bingham, Brown, Dalton, Foriest, Garrou, Goss, Hoyle, Jones, Malone, Preston, Purcell, Rand, Snow and Stevens:

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S.B. 247, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA NURSING SCHOLARS PROGRAM.

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

By Senators Purcell; Albertson, Atwater, Dannelly, Dorsett, Garrou, Hoyle, Malone, Rand and Snow:

S.B. 248, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA SPECIAL OLYMPICS.

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

By Senators Purcell; Albertson, Atwater, Dannelly, Dorsett, Garrou, Hoyle, Jones, Malone, Rand and Snow:

S.B. 249, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPROVE THE DELIVERY OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES IN ALL COUNTIES.

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

By Senators Purcell; Albertson, Atwater, Dannelly, Dorsett, Garrou, Hoyle, Jones, Malone, Queen, Rand and Snow:

S.B. 250, 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; Atwater, Boseman, Dannelly, Dorsett, Garrou, Hoyle, Jones, Malone, Queen, Rand and Snow:

S.B. 251, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE EARLY CHILDHOOD INITIATIVES (SMART START).

Referred to the **Finance Committee**.

By Senators Boseman; and Preston:

S.B. 252, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA STATE PORTS AUTHORITY FOR EXPANSION OF PROGRAMS AT THE PORTS OF WILMINGTON, MOREHEAD CITY, AND RADIO ISLAND.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:46 P.M.

February 21, 2007

EIGHTEENTH DAY

Senate Chamber
Thursday, February 22, 2007

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, part of what we do today is celebrate and honor the young women and coaches of The University of North Carolina at Chapel Hill soccer team. They are National Champions. Using a sport's metaphor, the Apostle Paul wrote, 'I have fought the good fight, I have finished the race, I have kept the faith.' So did these young women. We are also grateful for Universities in our State with reputations for academic and athletic excellence that attract young people from all over the world, making them also the children of North Carolina and worthy ambassadors for our State. We ask you to continue to bless us with such a talented family. Amen."

The Chair grants leaves of absence for today to Senator Basnight, Senator Berger of Franklin, Senator Berger of Rockingham, Senator Cowell, Senator Dorsett, Senator Graham and Senator Lucas.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, February 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. John Ebert from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Liska Lackey from Carrboro, North Carolina, who is serving the Senate as Nurse of the Day.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 22, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S.J.R. 235**, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

February 22, 2007

WOMEN'S SOCCER TEAM FOR WINNING THE 2006 NCAA CHAMPIONSHIP, the Speaker has appointed the following members of the House of Representatives to serve with a like committee of the Senate to escort the UNC Women's Soccer Team to the Joint Session:

Representative Insko, Chair
Representative Dickson
Representative Bryant
Representative Bordsen
Representative Ray
Representative Hurley, and
Representative Goodwin

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 receive the House of Representatives to sit in Joint Session pursuant to S.J.R. 235.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 22, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S.J.R. 235**, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL WOMEN'S SOCCER TEAM FOR WINNING THE 2006 NCAA CHAMPIONSHIP, the House stands ready to join your Honorable Body in Joint Session.

Respectfully,
S/Denise G. Weeks
Principal Clerk

February 22, 2007

Upon motion of Senator Dannelly, seconded by Senator Garrou, the Senate stands in recess and, upon dissolution of the joint session, adjourns subject to introduction of bills to reconvene Monday, February 26, at 7:00 P.M.

JOINT SESSION

With Members of the Senate standing, the Members of the House of Representatives are received and the Joint Session is called to order by the Lieutenant Governor, Beverly E. Perdue, President of the Senate.

RECOGNITION OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL WOMEN'S SOCCER CHAMPIONS

With unanimous consent, upon motion of Senator Rand, the privileges of the floor are extended to the members of The University of North Carolina at Chapel Hill Women's Soccer Team, 2006 NCAA National Women's Soccer Champions. The Escort Committee from the Senate and House of Representatives are recognized to escort the members of the soccer team and coaches to the Well of the Senate.

CALENDAR

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

S.J.R. 279, A JOINT RESOLUTION HONORING THE WOMEN'S SOCCER TEAM AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL ON BECOMING THE 2006 NCAA NATIONAL WOMEN'S SOCCER CHAMPIONS.

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

Senator Kinnaird:

“Thank you, Madame President. I am very pleased to present our UNC Women’s 2006 NCAA Soccer Champions, along with Verla Insko who also represents Chapel Hill and the University and all of these wonderful women who have helped to make this day possible. This team not only was last year’s National Champions, but they are also the most successful women’s collegiate soccer team in history. I have watched these trailblazer-women and their outstanding coach, Anson Dorrance, and the whole team effort for years as they have inspired young women in the ... admiration of all of us women who lived the women’s movement. This leadership, this determination, this persistence in achieving a goal is a model for all young women. Early on, Mia Hamm and Brandy Chastain became the stars for girls throughout the United States to emulate. Our soccer women were recognized throughout the world for their

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skill and achievement equal to men on the field. This tradition has carried on, this winning tradition of proving that they have what it takes. We in North Carolina are especially proud to have these outstanding athletes and coaches with us today.”

Representative Insko:

“Thank you, Madame President. It is fitting and an honor to recognize the Carolina Women’s Soccer Team and their achievement as the 2006 National Champions. Speaking for my colleagues in the House and for my constituents back home, I want to express our congratulations for this fine achievement to each of you, to your coaches and head coach, Anson Dorrance. We are very proud of your accomplishments which add to a great tradition. Coach Dorrance, when they define athletic dynasties, I believe that your record of 629, 28, 18, and 18 national championships will be among the first on anyone’s mind. Victories on the field are not the only measure of a champion. I also want to congratulate these fine women athletes for their example on and off the field and in the class room. There are many thousands of young women across the country playing all kinds of sports who view your achievements as a tangible expression of their own hopes and dreams. Through you and your example the trajectories of their own lives are lifted. You bring honor to our State, your university, and yourselves. Thank you.”

Senator Rand:

“Thank you, Madame President. Ladies and gentlemen of the Senate and House, the first thing I would like to do is express apologies that Senator Basnight is not with us today. Family issues prevented him from being here, but if there is anybody who is a greater fan of the University and its athletic teams, I think it is him so I’m sorry that he is not able to participate in this. This is a wonderful day for all of us as we recognize great accomplishment and attention to detail and dedication to purpose. The things that these ladies have accomplished are truly monumental and we take great pride and express great appreciation for what you have done. I told these ladies that I had never seen a soccer game until I went to college. I also told them that there were a lot of things that I had never had seen until I went to college, but that is another deal! It has been truly phenomenal in what they have accomplished and it gave me great pleasure and great pride and also great trepidation as I watched them play and watched this unfold this year. It was a wonderful time and we all take great pride in it. We are particularly proud of Coach Dorrance. The amazing thing, they have won this thing about 18 or 19 times, but it has only been played about 23 times in the history of the NCAA, so their winning percentage is unrivaled by any other team in any other sport that I’m aware of, so it is truly amazing the consistency to rise to great heights at times is a wonderful thing. You accomplish great things, but to do it consistently year after year speaks volumes about what they are about and the kind of program that we have at Chapel Hill and the kind of ladies that play there. I read somewhere that the conditioning, I think it was Mia Hamm that wrote some of the younger members a letter one time, said, ‘Don’t worry, you will pass out before you die.’ That was an amazing thing to me and it just shows that their dedication to all of this and how proud

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we are of them. So thank you for what you have done, for yourself, number one. This will be with you the rest of your life. For us it is a great time. We will remember this with great pride and great appreciation. So thank you, coach. This is a wonderful day for all us. Thank you, Madame President.”

Senator Garrou:

“To all you young women, we are so delighted to have you here and I appreciate all of the opportunities that you have ahead of you and it is going to be a great time for you in your life to celebrate today and to carry these memories and good feelings through the rest of your life. We are very proud of you and we just want to own a little piece and that is why we invited you here today. We are very proud, as one who used to play half-court basketball when I was in college and I was the tallest person on the team, believe it or not. It is great. Coach Dorrance, I need to tell you that I have a good friend who is a proud Carolina supporter and he told me that once he heard you speak about dealing with women and working with women coaches and working with women players. He said that if he had heard that before he got married he would have had a much better marriage, so I would like to suggest that maybe we make that a course at Chapel Hill and you could begin practicing by coming over and dealing here in the North Carolina General Assembly. Thank you for all that you do.”

Senator Hagan:

“As a parent of a young soccer player when she was young, I just want everyone here to know that these girls and their families have been working at this for years and years. My daughter was on the Greensboro Twisters team for a number of years and you just need to know these girls practice everyday, Saturdays, their Sundays. On weekends their families have traveled all over the eastern part of the Country and they are so dedicated and they have dedicated families, too. I think that when they are on the team there is this fierce competition. You should see it in their eyes, the way they run you know that. But when they are off the team, these kids have a ball playing soccer. As a mom of one, it was one of the highlights of my life to get to go with all these teams and be good friends with all the other parents. But you have really done so much and made North Carolina proud. No matter where we go, the envy of all these girls, they want to come and play here. So these kids, these students, are really the cream of the crop as you obviously can tell from their record, but they are honored all over the Nation and so thank you for what you have done and we are really proud of you and your parents.”

Senator Kinnaird:

“I want to say that this is the first step in your life and I want you to look around here and I want you to think that there are other avenues that you can go into. You have accomplished a great deal and you’ve accomplished a great deal academically. But I hope that you will think about civic engagement and put the energy and the enthusiasm and the skills that you have learned as athletes to enter this arena and we hope that some of you will be sitting right here and maybe honoring other women in the future. Thank you.”

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The joint resolution passes its second reading (41-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

The President of the Senate relinquishes the gavel to Speaker Hackney, who presides and calls the House of Representatives to order. The House sitting in joint session passes Senate Joint Resolution 279 and the Speaker orders the resolution enrolled.

Coach Anson Dorrance is recognized and offers the following remarks:

"Madame President and ladies and gentlemen, it is an absolute honor for me to be here. I am the grandson of proud tobacco farmers in Louisburg, North Carolina and I spent my life raised overseas. Every three years we would spend six months on a tobacco farm in Louisburg out on RFD 1 and I have primed tobacco, I've topped it, I've hung it, I've loaded hogs, and I've picked cotton. I am a citizen of the State of North Carolina. We moved every three years and I finally had an opportunity to come to college. When I came to The University of North Carolina, I absolutely loved it. I loved being a student at The University for the years I was there and as I was graduating I didn't know what I wanted to do, but I knew where I wanted to live. I wanted to live in Chapel Hill, North Carolina. So upon graduation with an English and Philosophy Degree, I settled into the community and, of course, with that kind of background I was qualified to bus tables at the Carolina Coffee Shop. I hacked my way into Law School. While I was a law student, I was hired to coach the men at North Carolina and I just wanted to live in Chapel Hill and I am just so happy and proud to have figured out a way to stay in this wonderful State. There is no mystery to success in collegiate recruiting. It has to do with the University that you represent and obviously, this is a remarkable University that I represent and one of the reasons it's remarkable is because of all the people in this room. You guys support our great institution and it puts us in an incredibly competitive market when we are out there trying to sell Chapel Hill and its University to these great athletes across the Country. So everything that you all have done to make sure that we have an extraordinary University has made a huge difference in our recruiting. Even some of the resolutions that you guys have passed in the last year or so have had a huge impact on this recruiting class. For example, there are all kinds of issues in terms of scholarship monies in having people admitted into The University and yet what happened the last year put us in a position where in the second half against Notre Dame in the National Championship Final, we had seven freshmen starting for us and we are very exacted about and certainly proud of that. But I would be remiss not to let all of you know I am a wonderfully proud citizen of this State and I am a tremendously proud representative of the University that all of you guys support and on behalf of my team and my staff, I want all of you to know how much we appreciate that support. So thank you very much. It was a wonderful honor to be here with all of you today."

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The players and coaches introduce themselves, as follows: Anna Rodenbough; Caroline Boneparth; Melissa Hayes; Jaime Gilbert; Whitney Engen; Ariel Harris; Betsy Frederick; Kristi Eveland; Mandy Moraca; Ashlyn Moore; Ali Hawkins; Julie Yates; Jessica Maxwell; Nikki Washington; Sterling Smith; Anson Dorrance, Head Coach; Bill Palladino, Assistant Coach; Chris Ducar, Goal Keeper Coach and Tom Sander, Team Manager.

The Escort Committee is recognized to escort the guests from the Chamber.

Upon motion of Representative Owens seconded by Senator Dannelly, the Joint Session is dissolved at 9:41 A.M. and, pursuant to the motion previously made by Senator Dannelly, the Senate adjourns subject to the introduction of bills and resolutions to reconvene Monday, February 26, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Goodall; Clodfelter, Dannelly, Graham, Jones and Pittenger:

S.J.R. 253, A JOINT RESOLUTION HONORING INDEPENDENCE HIGH SCHOOL ON HAVING AN OUTSTANDING FOOTBALL TEAM AND HONORING THE MEMORY OF DEVIN HOWARD.

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

By Senator Garrou:

S.B. 254, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

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

By Senator Apodaca:

S.B. 255, A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENTAL ENTITY OUTSIDE OF POLK COUNTY MAY ANNEX ANY PORTION OF THAT COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO POLK COUNTY.

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

By Senator Apodaca:

S.B. 256, 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. 257, A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH SENATORIAL DISTRICT.

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

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By Senators Dorsett; Jones and Preston:

S.B. 258, A BILL TO BE ENTITLED AN ACT ADOPTING THE SALUTE TO THE FLAG OF NORTH CAROLINA AS THE OFFICIAL PLEDGE TO THE STATE FLAG.

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

By Senators Dorsett; Bingham, Boseman, Dannelly, Foriest, Graham, Kinnaird, Malone, Purcell, Snow and Weinstein:

S.B. 259, A BILL TO BE ENTITLED AN ACT TO REQUIRE FOOD SERVICE ESTABLISHMENTS THAT OFFER BUFFET-STYLE SERVICE OR CUSTOMER SELF-SERVICE TO POST A SIGN PERTAINING TO SANITATION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Dorsett, Cowell; Albertson, Berger of Franklin, Bingham, Boseman, Clodfelter, Dannelly, Foriest, Garrou, Graham, Hagan, Jones, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Smith, Snow, Stevens, Tillman and Weinstein:

S.B. 260, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING CERVICAL CANCER, CERVICAL DYSPLASIA, HUMAN PAPILOMAVIRUS, AND THE VACCINES AVAILABLE TO PREVENT THESE DISEASES.

Referred to the **Health Care Committee**.

By Senators Dorsett, Lucas; Jones, Malone and Snow:

S.B. 261, A BILL TO BE ENTITLED AN ACT TO PROVIDE ACCESS TO ANY ADULT ADOPTEE OR ADULT LINEAL DESCENDANT OF A DECEASED ADOPTEE WHO REQUESTS A CERTIFIED COPY OF THE ADOPTEE'S ORIGINAL CERTIFICATE OF BIRTH.

Referred to the **Judiciary II Committee**.

By Senators Dorsett; and Hagan:

S.B. 262, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MALACHI HOUSE TO CONSTRUCT A NEW DORMITORY.

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

By Senators Dorsett; Bingham and Hagan:

S.B. 263, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE WEATHERSPOON ART MUSEUM ON THE CAMPUS OF THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO.

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

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By Senators Dorsett; and Hagan:

S.B. 264, 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. 265, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO LEADERSHIP CONNECTIONS, A STATEWIDE MENTORING PROGRAM FOR YOUNG WOMEN.

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

By Senators Dorsett; Bingham and Hagan:

S.B. 266, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY FOR PLANNING ACTIVITIES RELATED TO THE CONSTRUCTION OF A VISUAL ARTS AND PERFORMING ARTS CENTER.

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

By Senators Dorsett; Bingham and Hagan:

S.B. 267, 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; and Hagan:

S.B. 268, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE GUILFORD NATIVE AMERICAN ASSOCIATION.

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

By Senator Kinnaird:

S.B. 269, A BILL TO BE ENTITLED AN ACT CLARIFYING THE LAW REGARDING THE GIFT OR SALE OF CRAFT ITEMS MADE WITH DONATED SUPPLIES AND EQUIPMENT BY VOLUNTEERS WHO ARE INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Soles:

S.B. 270, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF NORTHWEST FOR A WALKING TRAIL AND CHANGING ROOM.

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

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By Senator Soles:

S.B. 271, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF CERRO GORDO FOR A TOWN HALL.

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

By Senator Goss:

S.B. 272, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO APPALACHIAN STATE UNIVERSITY FOR LAND ACQUISITION.

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

By Senator Jones:

S.B. 273, 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 Jones:

S.B. 274, A BILL TO BE ENTITLED AN ACT TO CHANGE THE STATE-RECOGNIZED NAME OF THE MEHERRIN TRIBE TO THE MEHERRIN-CHOWANOKE NATION, IN ORDER TO RECOGNIZE THE HISTORIC MERGER OF MEMBERS OF THE CHOWANOKE TRIBE INTO THE MEHERRIN COMMUNITY.

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

By Senator Jones:

S.B. 275, 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 Senators Dalton; Hagan and Jones:

S.B. 276, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS PAYABLE THROUGH THE NATIONAL GUARD PENSION FUND.

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

By Senator Dalton:

S.B. 277, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

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

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By Senator Hagan:

S.B. 278, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

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

By Senators Albertson; Apodaca, Atwater, Bingham, Blake, Brown, East, Forrester, Jenkins, Jones, Kerr, Nesbitt, Purcell, Queen, Soles, Stevens, Swindell, Tillman and Weinstein:

S.B. 280, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE MATCHING FUNDS TO THE NORTH CAROLINA AGRIBUSINESS FOUNDATION, INC., TO BE USED TO ESTABLISH THE AGRIBUSINESS EDUCATION CAMPAIGN.

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

By Senators Atwater and Lucas:

S.B. 281, A BILL TO BE ENTITLED AN ACT TO EXEMPT BAKED GOODS FROM STATE SALES AND USE TAXES.

Referred to the **Finance Committee**.

By Senator Atwater:

S.B. 282, 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 Atwater:

S.B. 283, 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 Atwater:

S.B. 284, A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF SANFORD TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE CITY'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE CITY'S SATELLITE CORPORATE LIMITS.

Referred to the **Finance Committee**.

By Senators Swindell; Atwater, Jones, Purcell and Weinstein:

S.B. 285, A BILL TO BE ENTITLED AN ACT TO ENSURE THE SAFEST TRANSPORTATION POSSIBLE FOR NORTH CAROLINA PUBLIC SCHOOL STUDENTS INVOLVED IN SCHOOL-SPONSORED EVENTS.

Referred to the **Education/Public Instruction Committee**.

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By Senators Swindell; Atwater, Goss, Jones and Purcell:

S.B. 286, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE STATEWIDE PROGRAM FOR INFECTION CONTROL AND EPIDEMIOLOGY.

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

By Senators Hagan; and Dorsett:

S.B. 287, 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, Garrou; Bingham, Brunstetter and Dorsett:

S.B. 288, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO ESTABLISH A STATE BUREAU OF INVESTIGATION CRIME LABORATORY IN THE PIEDMONT TRIAD AREA TO MEET THE GROWING DEMAND FROM LOCAL LAW ENFORCEMENT AND PROSECUTORS FOR FORENSIC CRIME SCENE EVIDENCE ANALYSIS IN THAT AREA OF THE STATE.

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

By Senators Hagan; Bingham, Brunstetter, Dalton and Dorsett:

S.B. 289, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE JUVENILE DIABETES RESEARCH FOUNDATION.

Referred to the **Finance Committee**.

By Senator Boseman:

S.B. 290, A BILL TO BE ENTITLED AN ACT TO REQUIRE SEIZURE OF ANY VEHICLE USED TO FELONIOUSLY FLEE OR FELONIOUSLY ATTEMPTING TO ELUDE A LAW ENFORCEMENT OFFICER IN THE PERFORMANCE OF THE OFFICER'S OFFICIAL DUTIES.

Referred to the **Judiciary I Committee**.

By Senator Boseman:

S.B. 291, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PLAN AND PREPARE A SITE FOR A NEW TEACHING LABORATORY BUILDING ON THE CAMPUS OF THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON.

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

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By Senator Boseman:

S.B. 292, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A SUMMER TERM TEACHER EDUCATION PILOT PROGRAM AT THE UNIVERSITY OF NORTH CAROLINA AT WILMINGTON.

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

By Senator Boseman:

S.B. 293, A BILL TO BE ENTITLED AN ACT TO PROHIBIT BUSINESSES THAT SUPPLY SERVICES OR PRODUCTS FROM MISREPRESENTING THE GEOGRAPHICAL LOCATIONS OF THEIR BUSINESSES IN TELEPHONE DIRECTORIES, DIRECTORY ASSISTANCE DATABASES, AND IN PRINT ADVERTISEMENTS.

Referred to the **Judiciary I Committee**.

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

S.B. 294, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SPORT SHOOTING RANGE THAT RELOCATES DUE TO CERTAIN CIRCUMSTANCES IS STILL CONSIDERED TO BE CONTINUOUSLY IN EXISTENCE SINCE BEGINNING OPERATION AND NOT TO HAVE UNDERGONE A SUBSTANTIAL CHANGE IN USE.

Referred to the **Judiciary I Committee**.

By Senators Brock; Allran, Apodaca, Berger of Rockingham, Blake, Brown, East, Goodall, Hunt, Jacumin, Pittenger, Preston and Smith:

S.B. 295, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO MURDERS A PREGNANT WOMAN SHALL BE GUILTY OF A SEPARATE OFFENSE OF MURDER IN THE RESULTING DEATH OF THE FETUS.

Referred to the **Judiciary I Committee**.

By Senators Hunt; Allran, Apodaca, Atwater, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Jacumin, Pittenger, Preston, Rand, Stevens and Tillman:

S.B. 296, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DEPENDENT RELATIVE OF A MEMBER OF THE ARMED SERVICES CONTINUES TO BE ELIGIBLE FOR IN-STATE TUITION IF THE ACTIVE DUTY MEMBER IS KILLED IN COMBAT OR DIES DURING ACTIVE MILITARY DUTY WHILE ASSIGNED TO NORTH CAROLINA.

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

By Senators Kinnaird; Atwater, Cowell and Queen:

S.B. 297, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REPORT OF AN ACCIDENT INVOLVING A MOTOR VEHICLE AND A

BICYCLE WHERE THE TOTAL PROPERTY DAMAGE EXCEEDS FIVE HUNDRED DOLLARS.

Referred to the **Judiciary I Committee**.

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

S.B. 298, A BILL TO BE ENTITLED AN ACT TO REQUIRE A NONCITIZEN OF THE UNITED STATES WHO IS PRESENT IN THE UNITED STATES TO PRESENT A VALID PASSPORT FROM THE COUNTRY OF ORIGIN AND VALID DOCUMENTATION SHOWING LEGAL PRESENCE ISSUED BY THE UNITED STATES GOVERNMENT TO RECEIVE A DRIVERS LICENSE FROM THE DIVISION OF MOTOR VEHICLES.

Referred to the **Transportation Committee**.

By Senator Garrou:

S.B. 299, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH.

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

By Senator Garrou:

S.B. 300, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH.

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

By Senators Kinnaird; Kerr and Soles:

S.B. 301, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDS OF A CIVIL REVOCATION OF DRIVERS LICENSES SHALL BE EXPUNGED FROM AN INDIVIDUAL'S DRIVING RECORD IF THE UNDERLYING CRIMINAL CHARGE IS EXPUNGED PURSUANT TO ARTICLE 5 OF CHAPTER 15A OF THE GENERAL STATUTES.

Referred to the **Judiciary I Committee**.

By Senator Purcell:

S.B. 302, 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. 303, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE ANSON COUNTY PUBLIC LIBRARY'S BOOKMOBILE.

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

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By Senator Purcell:

S.B. 304, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SOUTH PIEDMONT COMMUNITY COLLEGE TO ESTABLISH A COMMERCIAL FOOD PREPARATION PROGRAM AT THE LOCKHART-TAYLOR CENTER IN WADESBORO.

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

By Senators Purcell; Atwater, Dannelly, Dorsett, Jones, Malone, Swindell and Weinstein:

S.B. 305, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE NORTH CAROLINA BREAST AND CERVICAL CANCER CONTROL PROGRAM.

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

By Senators Purcell; Atwater, Dannelly, Dorsett, Goss, Malone, Swindell and Weinstein:

S.B. 306, 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; Atwater, Dannelly, Dorsett, Malone, Swindell and Weinstein:

S.B. 307, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FORT BRAGG/POPE AIR FORCE BASE REGIONAL LAND USE ADVISORY COMMISSION, INC. (RLUAC), TO CONTINUE ITS EFFORTS TO PROTECT FORT BRAGG FROM INCOMPATIBLE URBAN DEVELOPMENT AND TO PRESERVE THE LONGLEAF PINE ECOSYSTEM.

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

By Senator Kerr:

S.B. 308, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

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

By Senator Kerr:

S.B. 309, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

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

By Senators Kerr; and Jones:

S.B. 310, A BILL TO BE ENTITLED AN ACT TO ALLOW CHILD SUPPORT PAYMENTS TO CONTINUE UNTIL THE AGE OF TWENTY-ONE IF THE CHILD IS ATTENDING A COLLEGE OR UNIVERSITY.

Referred to the **Judiciary I Committee**.

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Pursuant to the motion previously made by Senator Dannelly and seconded by Senator Garrou having prevailed, the Senate will reconvene Monday, February 26, at 7:00 P.M.

NINETEENTH DAY

Senate Chamber
Monday, February 26, 2007

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 William E. Maddox III, St. Titus Episcopal Church, Durham, North Carolina, and The Reverend Kimberly D. Lucas, St. Ambrose Episcopal Church, Raleigh, North Carolina, as follows:

The Reverend William E. Maddox III:

"O God, the fountain of all wisdom, whose statutes are good and gracious, and whose law is truth, we beseech you so to guide, direct, and bless this Legislature and all that come to and through, that they may be ordained by your governance only and do those good things which are pleasing to Thee. Especially, we seek thy blessing this day to bless and guide us as we give thanks and remember your servant, Pauli Murray, Priest of your Church, for it was in her life that she strived for justice, peace, and harmony among all persons. May we be so kindled to seek thy face to that which you would have us to do which is right and good in your service. May we in our private life, follow the outstanding examples of this your servant, Pauli, that in our teaching, mentoring, and giving, that our life and works with others may be strengthened and pleasing in the building of this State and of this Nation."

The Reverend Kimberly D. Lucas:

"Gracious God we give you thanks for the members of this Body and for their heart to serve this State. We ask that you would bless us all with the courage and wisdom to follow the example of Pauli Murray that we might continue her legacy of striving for justice and seeking racial harmony and gender equality that our State and our world might reflect your love and value."

The Reverend William E. Maddox III:

"This we ask in your name who is the author and architect of all, we do. Amen."

The Chair grants leaves of absence for tonight to Senator Dorsett and Senator Lucas.

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Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, February 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Elizabeth Kanof from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Sarah Hubbell from Holly Springs, 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. 143, 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.

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is re-referred to the **Commerce, Small Business and Entrepreneurship Committee**.

S.J.R. 157, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ANNA PAULINE "PAULI" MURRAY, A DISTINGUISHED CIVIL RIGHTS LEADER, WRITER, LAWYER, FEMINIST, AND FORMER NORTH CAROLINIAN.

Upon motion of Senator Rand S.J.R. 157 is taken up out of its regular order of business and placed before the Senate for immediate consideration.

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

Senator Kinnaird:

"I hope that each of you will look at this sheet which outlines this extraordinary life of this extraordinary woman. It is with great joy that I commend this resolution honoring Dr. Reverend Pauli Murray to you. It is a joy for me because this special woman, whom I did not have the privilege to meet, has ties to Orange County and to my church. I feel a truly spiritual connection. The Reverend Murray was an extraordinary person who was born in extraordinary circumstances. As you heard, she was the great-granddaughter of a slave owner and the granddaughter of a slave. The ancestral home is right outside my town on Smith-Level Road and the plantation owner was Mr. Smith. In addition, her grandfather was baptized in my church, The Chapel of the Cross, of which I have been a member for many years. The Reverend Murray was the first ordained woman in the Episcopal Church of America. She chose that Chapel, The Chapel of the Cross, to celebrate her first Eucharist, where her slave owner great-grandfather gave the lectern inscribed with his name from

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which she read at that service and her slave grandmother worshiped in the balcony. She used her grandmother's Bible in that service. The extraordinary part of this history, also, is that the Smith family's daughter had all the slaves baptized, an unusual event at that time. Our church has the book with the names of each owner and each slave inscribed. Her celebration of that service at that church was the culmination of American history transcended. It is hard to say enough about the inspiration of Reverend Murray's life. She was the first to test race by applying to law school at the University of North Carolina where she was denied because of her race. She was the first to test gender by applying for graduate school at Harvard and to be denied because of her gender and the first woman to become a priest in the Episcopal Church. I am happy to say that, unlike the universities, the church passed the test and embraced her. This month we had another extraordinary special occasion at the Chapel of the Cross on the thirtieth anniversary of The Reverend Murray's celebration of the Eucharist. We were honored with the first woman presiding bishop of the Episcopal Church in America, the Right Reverend Jeffords. She was joined by the first African-American Bishop in North Carolina, Bishop Michael Curry, and the Bishop of Maryland who was ordained at the National Cathedral with Reverend Murray, and another Bishop who worked with The Reverend Murray, and our own clergy and delighted parishioners, some of whom had attended her first service at the Chapel of the Cross, all joined us. Besides the many courageous actions listed in the resolution, Reverend Murray staged a sit-in to integrate a small college café years before even our Greensboro sit-ins. Interestingly, she was a founding member of the National Organization for Women and was named Woman of the Year by *Mademoiselle Magazine* in 1947, another extraordinary accomplishment. In short, Reverend Murray was an unstoppable engine for righteousness. She even complained about the civil rights leaders who would not let women participate fully in all of those wonderful organizations in the 1960s. She would not tolerate any wrong that stood in her way or anyone else's way. She would not let anyone impede the progress and the rights of anyone. She recognized no barrier as legitimate. We are joined tonight with our two priests whom I thank and whom are significant in our lives, also. The Reverend William Maddox III is rector of Saint Titus in Durham and The Reverend Kimberly Lucas is the rector of Saint Ambrose here. So we are very pleased to have them with us. I hope through this resolution to make the name of The Reverend Dr. Pauli Murray one that is known, appreciated and admired throughout our State. I commend this resolution to you. 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.

ENROLLED BILLS AND RESOLUTIONS

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

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S.J.R. 279, A JOINT RESOLUTION HONORING THE WOMEN'S SOCCER TEAM AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL ON BECOMING THE 2006 NCAA NATIONAL WOMEN'S SOCCER CHAMPIONS. (Res. 6)

CALENDAR (*continued*)

S.B. 74, A BILL TO BE ENTITLED AN ACT TO ADD THE CITY OF ALBEMARLE TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

Senator Purcell offers Amendment No. 1 which is adopted (47-0), and changes the title to read **S.B. 74**, A BILL TO BE ENTITLED AN ACT TO ADD THE CITIES OF ALBEMARLE AND ROCKINGHAM AND THE TOWN OF OAKBORO TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

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. 115, A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE FOR FUTURE ELECTED MEMBERS OF THE CHEROKEE COUNTY BOARD OF EDUCATION FROM SIX YEARS TO FOUR YEARS.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 149, A BILL TO BE ENTITLED AN ACT REPEALING THE EXPIRATION OF AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND ALLOWING USE FOR ELECTRIC FACILITIES.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 50, A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO INVESTIGATE THE POTENTIAL FOR AGREEMENTS WITH OTHER STATES FOR THE RECIPROCAL HONORING OF HUNTING AND FISHING LICENSES FOR THE DISABLED.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

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SENATE PAGES

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

Tatia Clark, Rich Square; Bianca Cooper, Grifton; Joshua Dale, Youngsville; Katlyn Eloshway, Faison; Leah Farr, Roaring Gap; Philip Fennel, Jr., Durham; Molly Haynes, Statesville; Nathan Honaker, Raleigh; Keila Kearney, Henderson; Edward Loftis, Hamlet; Eric Lyons, Durham; DeQuane Maynor, Garland; Thomas Rhodes, Jr., Goldsboro; Rickiea Small, Henderson; Shannon Stolt, Sparta; Aaron Taylor, Roseboro; Dayo Thompson, Raleigh; Victoria Touloupas, Burlington; and Matt Wilkins, Chapel Hill.

ADDITIONAL SPONSORS

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

S.B. 276, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS PAYABLE THROUGH THE NATIONAL GUARD PENSION FUND.

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

S.B. 276, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS PAYABLE THROUGH THE NATIONAL GUARD PENSION FUND.

S.B. 296, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DEPENDENT RELATIVE OF A MEMBER OF THE ARMED SERVICES CONTINUES TO BE ELIGIBLE FOR IN-STATE TUITION IF THE ACTIVE DUTY MEMBER IS KILLED IN COMBAT OR DIES DURING ACTIVE MILITARY DUTY WHILE ASSIGNED TO NORTH CAROLINA.

Upon motion of Senator Dannelly, seconded by Senator Purcell, the Senate adjourns subject to introduction of bills, to meet Tuesday, February 27, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Berger of Rockingham; Allran, Apodaca, Atwater, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hartsell, Hunt,

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Jacumin, Pittenger, Preston, Smith, Stevens and Tillman:

S.B. 311, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR THE POSSESSION OF A FIREARM BY A CONVICTED FELON.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; Allran, Apodaca, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hunt, Pittenger, Preston, Smith, Stevens and Tillman:

S.B. 312, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION.

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

By Senators Berger of Rockingham; Allran, Apodaca, Bingham, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Smith, Stevens and Tillman:

S.B. 313, A BILL TO BE ENTITLED AN ACT TO ROTATE THE ORDER OF CANDIDATES AND POLITICAL PARTIES AS THEY APPEAR ON BALLOTS.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; Allran, Apodaca, Berger of Franklin, Bingham, Blake, Brock, Brown, Brunstetter, Cowell, East, Forrester, Goodall, Hartsell, Hunt, Kinnaird, Pittenger, Preston, Smith, Snow, Stevens and Tillman:

S.B. 314, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY CONVICTED OF CERTAIN FELONIES COMMITTED WHILE IN OFFICE AND IN THE COURSE OF THEIR OFFICIAL DUTIES SHALL FORFEIT THEIR PENSIONS UNDER THE LEGISLATIVE RETIREMENT SYSTEM.

Referred to the **Judiciary I Committee**.

By Senator Boseman:

S.B. 315, 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 Jones:

S.B. 316, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO TOGETHER TRANSFORMING LIVES, INC., TO ASSIST THE ORGANIZATION IN PROMOTING BREAST CANCER RISK-REDUCTION BEHAVIORS AND STRATEGIES AMONG AFRICAN-AMERICAN WOMEN IN HALIFAX COUNTY.

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

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By Senator Jones:

S.B. 317, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CONCERNED CITIZENS OF TILLERY.

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

By Senator Bingham:

S.B. 318, 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. 319, 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 Dorsett, Graham; Dannelly, Foriest, Jones, Malone, and Purcell:

S.B. 320, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF ADMINISTRATION TO DEVELOP AND ADMINISTER A STATEWIDE UNIFORM CERTIFICATION PROGRAM FOR HISTORICALLY UNDERUTILIZED BUSINESSES DOING BUSINESS WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS, AND POLITICAL SUBDIVISIONS OF THE STATE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Foriest, Goss, Boseman; Dalton, Garrou, Graham, Hagan, Kinnaird, Malone and Rand:

S.B. 321, 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 **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Goss:

S.B. 322, A BILL TO BE ENTITLED AN ACT RELATING TO THE 45TH SENATORIAL DISTRICT.

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

By Senator Goss:

S.B. 323, A BILL TO BE ENTITLED AN ACT RELATING TO THE 45TH SENATORIAL DISTRICT.

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

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By Senator Weinstein:

S.B. 324, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO UPGRADE THE AFRICAN-AMERICAN CULTURAL CENTER IN ROBESON COUNTY.

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

By Senator Weinstein:

S.B. 325, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PRESERVATION AND RESTORATION OF THE RED SPRINGS & NORTHERN RAILROAD.

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

By Senator Weinstein:

S.B. 326, 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. 327, 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. 328, 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 Shaw:

S.B. 329, 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 **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Shaw:

S.J.R. 330, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE REGULATION OF DEER HUNTING WITH DOGS.

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

By Senator Shaw:

S.B. 331, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

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By Senator Shaw:

S.B. 332, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.

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

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

S.B. 333, A BILL TO BE ENTITLED AN ACT EXTENDING THE AGE AT WHICH CHILD SUPPORT IS TERMINATED.

Referred to the **Judiciary II Committee**.

By Senator Kinnaird:

S.B. 334, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE FAIR HOUSING ACT TO PROHIBIT DISCRIMINATION ON THE BASIS OF RECEIPT OF HOUSING ASSISTANCE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Kinnaird:

S.B. 335, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED THROUGH A SPECIAL ELECTION PROCESS IN SOME CIRCUMSTANCES.

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

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 7:48 P.M.

TWENTIETH DAY

Senate Chamber
Tuesday, February 27, 2007

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

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

"Gracious God, thank you for the self-discipline that allows us to order our lives in advance by the day, hour, and minute. In the busyness of our schedules, help us also give attention to the order of our souls. We learn to keep our souls

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in touch with you, O God, the same way we have learned to schedule our calendar so meticulously through practice. Amen."

The Chair grants leaves of absence for today to Senator Dorsett, Senator East and Senator Lucas.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, February 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Dawn S. Brezina from Wilson, North Carolina, who is serving the Senate as Doctor of the Day, and to Heather Boykin from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

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

S.J.R. 157, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ANNA PAULINE "PAULI" MURRAY, A DISTINGUISHED CIVIL RIGHTS LEADER, WRITER, LAWYER, FEMINIST, AND FORMER NORTH CAROLINIAN. (Res. 7)

PRIVILEGES OF THE FLOOR

Upon motion of Senator Rand, privileges of the floor are extended to members of the House Representatives who are in the Senate Chamber today for a presentation by Dr. Charles "Chuck" Davis and The African-American Dance Ensemble. Representative Larry Womble is recognized and introduces Dr. Davis and the Ensemble who perform in honor of Black History Month.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns subject to introduction of bills and receipt of messages from the House of Representatives, to meet Wednesday, February 28, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Snow:

S.B. 336, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SWAIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

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By Senator Snow:

S.B. 337, A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURE OF LOCAL MANAGEMENT ENTITY BOARDS PERTAINING TO THE SERVICE OF COUNTY COMMISSIONERS.

Referred to the **Health Care Committee**.

By Senator Jacumin:

S.B. 338, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT.

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

By Senator Jacumin:

S.B. 339, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT.

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

By Senator Jacumin:

S.B. 340, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE ISSUANCE OF ABC PERMITS TO RESIDENTIAL PRIVATE CLUBS AND SPORTS CLUBS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Brunstetter:

S.B. 341, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH.

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

By Senator Brunstetter:

S.B. 342, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH.

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

By Senator Weinstein:

S.B. 343, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MAKE REPAIRS TO THE PARKTON RAILROAD DEPOT.

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

By Senator Weinstein:

S.B. 344, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ROBESON LITTLE THEATRE.

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

By Senator Weinstein:

S.B. 345, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ROBESON COUNTY HUMANE SOCIETY.

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

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By Senator Weinstein:

S.B. 346, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR REPAIRS OF THE CAROLINA CIVIC CENTER IN ROBESON COUNTY.

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

By Senators Stevens; and Rand:

S.B. 347, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MORE FLEXIBLE PAYMENT SCHEDULE FOR THE SPECIAL SEPARATION FOR LAW ENFORCEMENT OFFICERS.

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

By Senators Weinstein; and Rand:

S.B. 348, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR INCREASED CAPACITY FOR THE TREATMENT OF MALE INMATES WITH DRUG AND ALCOHOL ADDICTION.

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

By Senators Cowell and Stevens:

S.B. 349, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF CARY TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

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

By Senators Stevens and Malone:

S.B. 350, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF APEX AND GARNER TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

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

By Senators Stevens; Berger of Franklin, Cowell, Hunt and Malone:

S.B. 351, A BILL TO BE ENTITLED AN ACT TO RESOLVE THE BOUNDARY BETWEEN WAKE AND FRANKLIN COUNTIES.

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

By Senators Blake; Apodaca, Bingham, Brock, Brown, Brunstetter, East, Forrester, Hunt, Jacumin, Preston and Tillman:

S.B. 352, A BILL TO BE ENTITLED AN ACT TO CREATE A TRUST FUND TO PRE-FUND THE ACCRUED LIABILITY FOR STATE RETIREE HEALTH BENEFITS AND TO LIMIT ANY EXPENDITURE FROM THE FUND UNTIL AFTER JANUARY 1, 2032.

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

By Senators Berger of Franklin; Cowell and Kinnaird:

S.B. 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT.

Referred to the **Judiciary I Committee**.

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By Senator Boseman:

S.B. 354, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WILMINGTON TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER AND SEWER.

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

By Senators Boseman; Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, East, Forrester, Garrou, Graham, Hagan, Hartsell, Hoyle, Jenkins, Jones, Kerr, Kinnaird, Malone, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein:

S.B. 355, A BILL TO BE ENTITLED AN ACT TO REENACT THE LONG-TERM CARE INSURANCE TAX CREDIT AND TO EXPAND THE CREDIT.

Referred to the **Finance Committee**.

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

S.B. 356, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PENALTY FOR FIRST DEGREE RAPE AND FIRST DEGREE SEXUAL OFFENSE IF THE VICTIM OF THE OFFENSE IS LESS THAN TWELVE YEARS OF AGE.

Referred to the **Judiciary I Committee**.

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

S.B. 357, A BILL TO BE ENTITLED AN ACT TO PROVIDE A CORPORATE INCOME TAX EXEMPTION.

Referred to the **Finance Committee**.

By Senator Smith:

S.B. 358, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE BENTONVILLE BATTLEFIELD FUND IN THE DIVISION OF STATE HISTORIC SITES.

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

By Senator Preston:

S.B. 359, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT.

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

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By Senator Preston:

S.B. 360, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT.

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

By Senators Preston; Boseman, Brown and Soles:

S.B. 361, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO TEMPORARILY WAIVE THE ENFORCEMENT OF NO-WAKE ZONES UNDER SPECIAL CIRCUMSTANCES.

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

By Senators Preston; Boseman and Brown:

S.B. 362, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE USE OF ALL-TERRAIN VEHICLES FOR BEACH DRIVING FROM THE REQUIREMENTS OF ALL-TERRAIN VEHICLE REGULATION.

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 151, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF ZEBULON ON THE TOWN'S 100TH ANNIVERSARY.

The joint resolution is placed on the Calendar for Wednesday, February 28.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:26 P.M.

TWENTY-FIRST DAY

Senate Chamber
Wednesday, February 28, 2007

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 prophet Jeremiah spoke of the Israelites as they happily returned from exile to their own country, 'Again you shall take up your

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tambourines and go forth in the dance of merry makers.' Those worlds came to mind yesterday as Dr. Chuck Davis and the African-American Dance Ensemble educated and entertained us with their rich depiction of the African Culture. You truly are the God of all people and cultures. Seeing Members of the Senate join the Ensemble reminded me that in your presence there is a joy that transcends culture, affirming the oneness of our family ties. And to think we are reminded of such a truth on the dance floor. 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 Tuesday, February 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Kim Jones from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Cindy Craven from Archdale, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator East for the **State & Local Government Committee**:

S.B. 185, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF BURGAW TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, with a favorable report.

S.B. 15, A BILL TO BE ENTITLED AN ACT TO ADD TOPSAIL BEACH TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75104, which changes the title to read **S.B. 15** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE TOWNS OF CAROLINA BEACH, KURE BEACH, TOPSAIL BEACH, AND WRIGHTSVILLE BEACH TO AREAS WHERE LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, is adopted and engrossed.

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CALENDAR

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

H.J.R. 151, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF ZEBULON ON THE TOWN'S 100TH ANNIVERSARY.

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

The joint resolution passes its second (47-0) and third readings and is ordered enrolled.

COMMITTEE APPOINTMENT

Senator Dannelly, Deputy President *Pro Tempore*, announces the establishment of the **Joint Select Committee on Economic Development Incentives** and announces the appointment of the following members:

Senator Foriest, Co-Chair; Senator Hoyle, Co-Chair; Senator Brunstetter; Senator Clodfelter; Senator Cowell; Senator Hagan; Senator Hartsell; Senator Jenkins; Senator Kerr; Senator Malone and Senator Soles.

Upon motion of Senator Basnight, seconded by Senator Nesbitt, the Senate adjourns subject to introduction of bills, to meet Thursday, March 1, at 11:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Goss:

S.B. 363, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TAKING OF RACCOONS BY TRAPPING IN ASHE COUNTY.

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

By Senator Goss:

S.B. 364, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TRAPPING AND SALE OF FOXES IN ASHE COUNTY.

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

By Senator Weinstein:

S.B. 365, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF LUMBERTON TO CONSTRUCT AN ATHLETIC FIELD FOR THE CITY'S NORTHEAST PARK.

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

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By Senator Weinstein:

S.B. 366, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO UPGRADE THE ROBESON COUNTY PUBLIC LIBRARY.

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

By Senator Weinstein:

S.B. 367, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO UPGRADE THE RAEFORD-HOKE MUSEUM.

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

By Senator Weinstein:

S.B. 368, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA TURKEY FESTIVAL.

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

By Senator Snow:

S.B. 369, 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. 370, 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 Rand:

S.B. 371, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COMMERCIAL USE OF LIKENESSES OF ANY SEAL OR COAT OF ARMS OF THE SENATE.

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

By Senator Rand:

S.B. 372, 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. 373, A BILL TO BE ENTITLED AN ACT RELATING TO THE 19TH SENATORIAL DISTRICT.

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

By Senator Rand:

S.B. 374, A BILL TO BE ENTITLED AN ACT RELATING TO THE 19TH SENATORIAL DISTRICT.

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

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By Senator Rand:

S.B. 375, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE DURATION OF A MOTORCYCLE LEARNER'S PERMIT AND TO SET THE FEE FOR THE PERMIT.

Referred to the **Transportation Committee**.

By Senator Rand:

S.B. 376, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO ACQUIRE PROPERTY, CONDUCT ADMINISTRATIVE HEARINGS, SERVE SUBPOENAS ISSUED BY THE BOARD, AND ESTABLISH STANDARDS FOR APPLICANT REQUIREMENTS FOR MEDICATION AIDE TRAINING.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Brunstetter; and Garrou:

S.B. 377, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LEWISVILLE TO CONDUCT AN ADVISORY REFERENDUM ON ACQUIRING LAND TO BE USED FOR PARK AND RECREATIONAL PURPOSES.

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

By Senators Malone; Hunt and Stevens:

S.J.R. 378, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF ZEBULON ON THE TOWN'S 100TH ANNIVERSARY.

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

By Senator Malone:

S.B. 379, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NC LITERACY CONNECTION PROGRAM.

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

By Senators Goss; Dalton and Jacumin:

S.B. 380, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO CONSTRUCT AN ACADEMIC BUILDING FOR THE COLLEGE OF EDUCATION AT APPALACHIAN STATE UNIVERSITY.

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

By Senator Soles:

S.B. 381, A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF CHADBOURN.

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

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By Senator Soles:

S.B. 382, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH.

Referred to the **Finance Committee**.

By Senators Hunt and Stevens:

S.B. 383, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE WAKE COUNTY BOARD OF EDUCATION AT-LARGE, AND TO MOVE THOSE ELECTIONS TO THE EVEN-NUMBERED YEAR, TO BE ELECTED IN NOVEMBER ON A PLURALITY BASIS.

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

By Senator Berger of Franklin:

S.B. 384, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

By Senator Berger of Franklin:

S.B. 385, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

By Senator Berger of Franklin:

S.B. 386, A BILL TO BE ENTITLED AN ACT TO CONFIRM THAT WARREN COUNTY BOARD OF EDUCATION MEMBERS ARE TO BE ELECTED FROM TOWNSHIPS AS PROVIDED IN CHAPTER 335 OF THE PUBLIC-LOCAL LAWS OF 1937.

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

By Senator Jenkins:

S.B. 387, A BILL TO BE ENTITLED AN ACT TO ADOPT THE AYDEN COLLARD FESTIVAL AS THE OFFICIAL COLLARD FESTIVAL OF THE STATE OF NORTH CAROLINA.

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

By Senator Jenkins:

S.B. 388, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE PITT COUNTY COUNCIL ON AGING TO CONSTRUCT AND EQUIP THE PITT COUNTY SENIOR CENTER.

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

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By Senators Jenkins and Kerr:

S.J.R. 389, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY SHALL MEET IN GREENVILLE IN HONOR OF EAST CAROLINA UNIVERSITY'S CENTENNIAL ANNIVERSARY.

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

By Senators Albertson; Allran, Atwater, Dalton, Dannelly, Goss, Hoyle, Jacumin, Jenkins, Kerr, Malone, Purcell, Rand, Snow, Soles, Stevens, Swindell and Weinstein:

S.B. 390, 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; Allran, Atwater, Dalton, Dannelly, Goss, Hoyle, Jenkins, Kerr, Malone, Purcell, Rand, Snow, Soles, Swindell and Weinstein:

S.B. 391, 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 Senators Albertson; Atwater, Malone, Purcell, Rand, Snow, Soles, Stevens and Weinstein:

S.B. 392, 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 Weinstein; Albertson, Apodaca, Atwater, Brock, Dannelly, Malone, Snow, Stevens and Swindell:

S.B. 393, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CUTTING, INJURING, OR REMOVING ANOTHER'S TIMBER RESULTING IN DAMAGES THAT EXCEED ONE THOUSAND DOLLARS.

Referred to the **Judiciary II Committee**.

By Senator Preston:

S.B. 394, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF NEW BERN TO REQUIRE A PERMIT PRIOR TO DEMOLITION OF A CONTRIBUTING STRUCTURE WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT.

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

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By Senators Rand, Hagan; Albertson, Apodaca, Atwater, Berger of Franklin, Bingham, Brock, Brown, Clodfelter, Cowell, Foriest, Garrou, Goss, Graham, Hoyle, Malone, Nesbitt, Pittenger, Queen, Snow, Swindell and Tillman:

S.B. 395, 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 Hoyle:

S.B. 396, A BILL TO BE ENTITLED AN ACT TO LIMIT THE RULES THAT MAY BE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Hoyle:

S.B. 397, A BILL TO BE ENTITLED AN ACT TO INCREASE BOATING AND WATERWAYS ACCESS FUNDING.

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

By Senator Purcell:

S.B. 398, A BILL TO BE ENTITLED AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD.

Referred to the **Finance Committee**.

By Senators Purcell; Albertson, Atwater, Dannelly, Garrou, Hoyle, Malone, Rand, Swindell and Weinstein:

S.B. 399, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM FOR NURSING ACCREDITATION STATUS ACTIVITIES.

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

By Senators Purcell; Albertson, Atwater, Dannelly, Garrou, Hartsell, Hoyle, Malone, Rand, Swindell and Weinstein:

S.B. 400, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, FOR PUBLIC HEALTH INCUBATORS.

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

By Senators Purcell; Albertson, Atwater, Dannelly, Garrou, Hoyle, Malone, Rand, Swindell and Weinstein:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, FOR WOMEN'S HEALTH SERVICES.

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

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By Senator Clodfelter:

S.B. 402, A BILL TO BE ENTITLED AN ACT TO ALLOW JURORS TO WAIVE PAYMENT OF PER DIEM FEES AND TO ALLOW THOSE FUNDS TO BE USED TO PROVIDE HUMAN SERVICES WITHIN THAT DISTRICT.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 403, A BILL TO BE ENTITLED AN ACT REPEALING THE SECTION OF THE CHARTER OF THE CITY OF CHARLOTTE THAT RELATES TO SLUDGE MANAGEMENT FACILITIES AND AUTHORIZING THE CITY TO USE THE DESIGN-BUILD AND DESIGN-BUILD-OPERATE METHODS OF CONSTRUCTION TO BUILD WATER AND SEWER FACILITIES.

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

By Senator Boseman:

S.B. 404, A BILL TO BE ENTITLED AN ACT TO EXEMPT AMATEUR RADIO OPERATOR ANTENNA RESTRICTIONS IN COVENANTS ON REAL PROPERTY.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Blake; Berger of Rockingham, Bingham, Brock, Brown, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Stevens and Tillman:

S.B. 405, A BILL TO BE ENTITLED AN ACT REQUIRING THAT JAILORS IDENTIFY DETAINEES THAT ARE ILLEGAL IMMIGRANTS AND REQUEST THAT THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TAKE THEM INTO FEDERAL CUSTODY; REQUIRING THAT THE GOVERNOR DEMAND THAT THE FEDERAL GOVERNMENT DESIGNATE FEDERAL FACILITIES TO WHICH ILLEGAL IMMIGRANTS MAY BE TRANSFERRED OR, IN THE ALTERNATIVE, DEMAND THAT THE FEDERAL GOVERNMENT REIMBURSE THE STATE FOR THE COST OF INCARCERATING ILLEGAL IMMIGRANTS; AND INSTRUCTING THE ATTORNEY GENERAL TO PURSUE LEGAL REMEDIES TO OBTAIN REIMBURSEMENT IN THE EVENT THAT THE FEDERAL GOVERNMENT FAILS TO MEET THE GOVERNOR'S DEMANDS.

Referred to the **Judiciary I Committee**.

By Senators Cowell; Apodaca, Atwater, Boseman, Brunstetter, Clodfelter, Foriest, Garrou, Graham, Hagan, Malone, Rand and Weinstein:

S.B. 406, A BILL TO BE ENTITLED AN ACT APPROPRIATING 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**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:07 P.M.

TWENTY-SECOND DAY

Senate Chamber
Thursday, March 1, 2007

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

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

"In the middle of a large ground on a busy road, the blind beggar, Bartimaeus, cried out for Jesus to give him attention. Jesus stood still, called Bartimaeus to him and restored his sight. In the midst of the important business of the Senate, we stand still and pray for Jeanne Lucas, Sandy Basnight, Susan Malone, the family of the Winston-Salem Police officer, Senator Snow's sister in the loss of her husband, and others with personal and private needs of your presence. I hope we always remember that standing still in our busy world and giving attention to people can open a window of grace and hope for others. In your holy and healing name we pray. Amen."

The Chair grants leaves of absence for today to Senator Goodall, Senator Graham, Senator Lucas and Senator Pittenger.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, February 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. A. Dudley Bell from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Vinson from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

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ENROLLED BILLS AND RESOLUTIONS

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

H.J.R. 151, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF ZEBULON ON THE TOWN'S 100TH ANNIVERSARY. (Res. 8)

WITHDRAWAL FROM COMMITTEE

S.J.R. 389, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY SHALL MEET IN GREENVILLE IN HONOR OF EAST CAROLINA UNIVERSITY'S CENTENNIAL ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on Wednesday, February 28.

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

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

S.B. 251, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE EARLY CHILDHOOD INITIATIVES (SMART START), referred to the **Finance Committee** on Wednesday, February 21.

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

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

PRIVILEGES OF THE FLOOR

Upon motion of Senator Shaw, privileges of the floor are granted to Stephon Ferguson who works as a news reporter for WFNC in Fayetteville. He travels the Country performing as Dr. Martin Luther King, Jr. Senator Shaw is recognized and introduces Mr. Ferguson. Upon motion of Senator Hunt, Mr. Ferguson's remarks are spread upon the Journal, as follows:

Senator Shaw:

"Thank you, Madame Lieutenant Governor. Mr. President, ladies and gentlemen of the Senate, members of the gallery, I'm delighted to be here this morning to bring before you someone from our area, Cumberland County. Senator Rand and those of you out of that area have known this gentleman and seen him perform many times and on many occasions. He specializes in

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speeches of Dr. King. He keeps the dream alive, Dr. King's dream alive. You know, we have a lot of problems in my particular community, the community in which I live. We have all kinds of chronic illness, high crime, high unemployment, and all these things. There is a disconnect between my generation and the generation that has come after me because they don't understand what we had to go through to get to where we are today and enjoy the things that we enjoy today. They take it for granted and they take it as a given and it's not so. There are things you work and earn for the next ten years and you can lose them all if you don't remember how you got there. This young man does a wonderful job in keeping the dream alive so that we can do better things for all of us. Mr. Ferguson, Stephon Ferguson, was a reporter for WFNC, one of the top radio stations in Cumberland County. He travels through the Country performing as Dr. Martin Luther King, Jr. He is highly active in our community. He has read to every kindergarten class in Cumberland County for the past three years. In August he was recognized by Governor Easley for his volunteer services and Mr. Ferguson has received official permission from the King estate to perform as Dr. King. He has been dedicated to keeping Dr. King's dream alive in educating our children about the future and about Dr. King and all he stood for. Members of the Senate, before I introduce Mr. Ferguson, he does have some guests with him. He has his fiancée, Ms. Rita McLean, in the audience and Mr. Herbert Miller. Also, today is Mr. Stephon Ferguson's birthday so we'd like to bring the birthday boy before us today. Ladies and gentlemen, I give you Mr. Ferguson."

Stephon Ferguson:

"Good morning. Dr. Martin Luther King, Jr. stood for love and in 1964 Dr. Martin Luther King, Jr. delivered a speech when people were asking him about the word love. King said 'There's another aspect of it. People ask me about it all the time. What in the world do you mean when you say you love such people who are beating on us and bombing our houses and threatening our children? What in the world do you mean when you say love such people? And I always have to stop and try to define the meaning of love in this area. And interestingly enough, Greek philosophy comes to our aid at this point. There are three words in the Greek language for love. One of them is the word eros and eros is a sort of esthetic love. The philosopher, Plato, talks about it a great deal in his dialogue, a yearning of the soul for the realm of the divine. It has come to us to mean a sort of romantic love and so we all know about eros. We've experienced it, we've read about it in the beauties of literature and Edgar Allen Poe was talking about eros when he talked about his beautiful Annabelle Lee with the love surrounded by the halo of eternity. And Shakespeare was talking about eros when he said love is not love which alters when it alteration finds, or bends with the remover to remove. It is an ever fixed mark that looks on tempests and is never shaken. It is a star to every wandering bark. You know, I can remember that because I used to quote it to my wife when we were courting. That's eros. That's eros. Then the Greek language talks about filia which is another level of love. It is an intimate affection between personal friends. On

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this level, we love because we are loved. We love people that we like. This is friendship. Then the Greek language talks about agape. Agape is not something of affection. Agape is more than friendship. Agape is understanding, creative redemptive goodwill to all men. It is an overflowing love that seeks nothing in return. Theologians would say that it is a love of God operating in the human heart. When one rises to love on this level he loves man not because he likes him but he loves every man because God loves him. And so he goes on with that. So he rises to the level of hating the system rather than the individual who is caught up in that system. He loves the person and hates the evil deed. I think this is what Jesus meant when he said love your enemy and I'm so happy that he didn't say like your enemy because it's pretty difficult to like some people. It's difficult to like people bombing your homes and threatening your children and kicking you about, but Jesus says love them and love is greater than like. Love is understanding, creative redemptive goodwill to all men.' Thank you.

"On April 3, 1968, Dr. Martin Luther King, Jr. delivered his final speech, *I've Been to the Mountaintop*. He was in Memphis, Tennessee supporting the sanitation workers there and he was telling the congregation to continue with the demonstrations and continue to fight. I'm going to give you a portion, an excerpt of that speech. 'We're not going to let any mace stop us. We are masters in our non-violent movement of disarming police forces. They don't know what to do. I remember Birmingham, Alabama. We were in that majestic struggle there. We would move out of the Sixteenth Street Baptist Church day after day. By the hundreds we would move out where Bull Connor would tell them to send the dogs for us and they did come. We just went before the dogs singing *Ain't Gonna Let Nobody Turn Me Around*. Next, Bull Connor would say turn the fire hoses on. As I said to you the other night, Bull Connor didn't know history. He knew a kind of physics that somehow didn't relate to the transphysics that we knew about. There was the fact that there was a certain kind of fire that no water could put out so we went before the fire hoses. We had known water. If we were Baptist or some other denomination, we had been immersed. If we were Methodist or some others, we had been sprinkled but we knew water and that couldn't stop us. Let us rise up tonight with a greater readiness. Let us stand with a greater determination. Let us move on. In these powerful days, these days of challenge, make America what it ought to be. We have an opportunity to make America a better Nation and I want to thank God once more for allowing me to be here with you. Left Atlanta this morning and as we got started on the plane, there were six of us, the pilot said over the public address system, we are sorry for the delay but we had Martin Luther King, Jr. on the plane and to be sure that all the bags were checked and be sure that nothing would be wrong on the plane they had to check out everything carefully and we've had the plane protected and guarded all night. Then I got into Memphis and some began to say the threats or talk about the threats that were out there and about what would happen to me from some of our sick white brothers. Well, I don't know what will happen now. We've got some difficult days ahead but it really doesn't matter with me now because I've been to the mountaintop and I don't mind. Like anybody, I would like to live a long life. Longevity has

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its place and I'm not concerned about that now. I just want to do God's will and He's allowed me to go to the mountain and I've looked over and I've seen the promised land. I may not get there with you but I want you to know tonight that we as a people will get to the promised land so I'm happy tonight. I'm not worried about anything. I'm not fearing any man. Mine eyes have seen the glory of the coming of the Lord.' Thank you.

"As a final speech, on August 28, 1963, there was the great march on Washington for jobs and freedom. Dr. Martin Luther King, Jr. was the culminating speaker on the march on Washington. I wish to give you an excerpt from that speech. 'I say to you today, my friend, so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this Nation will rise up, live out the true meaning of its creed, we hold these truths to be self-evident that all men are created equal. I have a dream that one day on the red hills of Georgia sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood. I have a dream that one day even the State of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, be transformed into an oasis of freedom and justice. I have a dream that my four little children will one day live in a Nation where they will not be judged by the color of their skin but by the content of their character. I have a dream today. I have a dream that one day down in Alabama with its vicious racists, with its Governor having his lips dripping with the words of interposition and nullification, one day right there in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers. I have a dream today. I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together. This is our hope. This is the faith that I go back to the South with. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our Nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together knowing that we will be free one day. This will be the day. This will be the day when all of God's children will be able to sing with new meaning, My Country 'tis of thee, sweet land of liberty of thee I sing. Land where my fathers died, land of the pilgrim's pride, from every mountainside let freedom ring, and if America is to be a great Nation this must become true. So let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightened Alleghenies of Pennsylvania. Let freedom ring from the snowcapped Rockies of Colorado and let freedom ring from the curvaceous slopes of California. Not only that, let freedom ring from Stone Mountain of Georgia. Let freedom ring from Lookout Mountain of Tennessee. Let freedom ring from every hill and molehill of Mississippi. From every

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mountainside, let freedom ring. And when this happens, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing the words of the old Negro spiritual, free at last, free at last, thank God Almighty, we're free at last.' "

Senator Shaw:

"Ladies and gentlemen, members of the Senate, I'd like to thank the Lieutenant Governor, President Marc Basnight, and my colleague, Senator Rand, for helping to arrange this and I'd also like to thank members of the legislative black caucus for their support. Most importantly, I'd like to thank all of you, members of the Senate, for allowing us to bring forth this presentation. On behalf of the Senate, Mr. Blackman, I'd like to present to you the highest award that we can award in the Senate and its from the State of North Carolina. Be it known to all that the Senate of the North Carolina General Assembly congratulates Mr. Steve Blackman, AKA Stephon Ferguson, for recognition of his service, commitment, and extraordinary performance throughout Cumberland County and the State of North Carolina in an effort to continue the legacy of Dr. Martin Luther King, Jr., the first day of March, your birthday, and it is witnessed by our Lieutenant Governor, Beverly Perdue, President Pro Tem Marc Basnight, and the Senate Clerk, Ms. Janet Pruitt. We are happy to present this award to you on behalf of the North Carolina Senate. Sir, thank you very much for your presentation here this morning and we wish you Godspeed. God bless you. Thank you."

Lieutenant Governor:

"Mr. Ferguson, that's living history at its best. What an appropriate way to end African-American History Month and to celebrate Dr. King's birthday.

Senator Basnight:

"I'd like to thank the young man on behalf of the members of the Senate and the people of this State for representing one of the greatest people to ever live in this Country and in this world, Dr. Martin Luther King, Jr., and for bringing to us the life and the words of a wonderful man. We thank you."

CALENDAR

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

S.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE TOWNS OF CAROLINA BEACH, KURE BEACH, TOPSAIL BEACH, AND WRIGHTSVILLE BEACH TO AREAS WHERE LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-

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TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 185, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF BURGAW TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 389, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY SHALL MEET IN GREENVILLE IN HONOR OF EAST CAROLINA UNIVERSITY'S CENTENNIAL ANNIVERSARY, placed earlier on today's Calendar.

The joint resolution passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special message.

ADDITIONAL SPONSOR

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

S.B. 395, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE KIDS VOTING OF NORTH CAROLINA PROGRAM.

Upon motion of Senator Basnight, seconded by Senator Clodfelter, the Senate adjourns subject to introduction of bills, receipt of committee reports, and reading of messages from the House of Representatives, to meet Monday, March 5, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Weinstein:

S.B. 407, 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 Senators Garrou and Brunstetter:

S.B. 408, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST FORSYTH TECHNICAL COMMUNITY COLLEGE IN

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THE CONSTRUCTION OF THE CENTER FOR EMERGING TECHNOLOGIES TO BE LOCATED AT THE PIEDMONT TRIAD RESEARCH PARK.

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

By Senators Garrou; and Brunstetter:

S.B. 409, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RESTORE THE HISTORIC SINGLE SISTERS HOUSE ON THE CAMPUS OF SALEM ACADEMY AND COLLEGE.

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

By Senators Garrou; and Brunstetter:

S.B. 410, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SCIENCE CENTER AND ENVIRONMENTAL PARK OF FORSYTH COUNTY (SCIWORKS).

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

By Senators Garrou and Brunstetter:

S.B. 411, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE CENTER FOR DESIGN INNOVATION, AN INTERINSTITUTIONAL CENTER OF THE NORTH CAROLINA SCHOOL OF THE ARTS AND WINSTON-SALEM STATE UNIVERSITY.

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

By Senators Brown; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Forrester, Goodall, Hunt, Jacumin, Pittenger, Preston, Smith, Stevens and Tillman:

S.B. 412, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ADDITIONAL PROPERTY TAX BENEFITS FOR LOWER-INCOME HOMEOWNERS.

Referred to the **Finance Committee**.

By Senator Blake:

S.B. 413, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

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

By Senator Soles:

S.J.R. 414, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senator Soles:

S.B. 415, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PLAN THE COASTAL EVENTS CENTER.

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

By Senator Goss (by request):

S.B. 416, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALEXANDER COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX AT THE REQUEST OF THE ALEXANDER COUNTY COMMISSION.

Referred to the **Finance Committee**.

By Senator Goss:

S.B. 417, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE TOWN OF WILKESBORO.

Referred to the **Finance Committee**.

By Senator Kinnaird:

S.B. 418, A BILL TO BE ENTITLED AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

S.B. 419, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RENOVATE THE AYDEN COMMUNITY CENTER.

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

By Senator Jenkins:

S.B. 420, 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 Jenkins:

S.B. 421, 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. 422, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EDGEcombe COUNTY TO IMPLEMENT AN OUT-OF-SCHOOL SUSPENSION PROGRAM.

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

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By Senator Jenkins:

S.B. 423, 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. 424, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RESTORE THE RECEPTION AREA IN THE STATE CAPITOL.

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

By Senator Jenkins:

S.B. 425, 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 Senator Jenkins:

S.B. 426, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF AYDEN.

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

By Senator Jenkins:

S.B. 427, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AYDEN TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

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

By Senators Jenkins, Jones; and Dannelly:

S.B. 428, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR THE NORTH CAROLINA COMMUNITY DEVELOPMENT INITIATIVE, INC.

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

By Senator Hagan:

S.B. 429, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

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

By Senator Hagan:

S.B. 430, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

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

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By Senators Hagan; and Dorsett:

S.B. 431, 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 Hagan; and Dorsett:

S.B. 432, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE CITY OF GREENSBORO.

Referred to the **Finance Committee**.

By Senator Snow:

S.B. 433, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPLETE THE APPLIED TECHNOLOGY BUILDING ON THE PENNSYLVANIA CAMPUS OF BLUE RIDGE COMMUNITY COLLEGE.

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

By Senator Snow:

S.B. 434, A BILL TO BE ENTITLED AN ACT AUTHORIZING CHEROKEE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JUSTICE CENTER.

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

By Senators Dalton and Jacumin:

S.B. 435, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ALLOW BROUGHTON HOSPITAL TO PURCHASE A USED CT SCANNER.

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

By Senator Dalton:

S.B. 436, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A MORE EVEN BALANCE IN THE ELECTION CYCLE FOR THE CLEVELAND COUNTY BOARD OF EDUCATION.

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

By Senator Blake:

S.B. 437, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

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

By Senator Albertson:

S.B. 438, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SAMPSON COUNTY TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES AND COMMUNITY COLLEGE CAPITAL OUTLAY PURPOSES.

Referred to the **Finance Committee**.

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By Senator Albertson:

S.B. 439, A BILL TO BE ENTITLED AN ACT EXTENDING THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF MAGNOLIA.

Referred to the **Finance Committee**.

By Senator Foriest:

S.B. 440, A BILL TO BE ENTITLED AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT.

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

By Senator Foriest:

S.B. 441, A BILL TO BE ENTITLED AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT.

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

By Senator Foriest:

S.B. 442, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CASWELL COUNTY TO LEVY A ROOM OCCUPANCY TAX.

Referred to the **Finance Committee**.

By Senator Foriest:

S.B. 443, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF YANCEYVILLE.

Referred to the **Finance Committee**.

By Senators Rand; Albertson, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brunstetter, Clodfelter, Cowell, Dannelly, Dorsett, East, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Jacumin, Jenkins, Jones, Malone, Nesbitt, Purcell, Queen, Smith, Snow, Soles, Stevens and Swindell:

S.B. 444, A BILL TO BE ENTITLED AN ACT TO CODIFY THE PRACTICE OF ALTERNATING BETWEEN THE HOUSES EACH BIENNIIUM ORIGINATION OF THE CURRENT OPERATIONS APPROPRIATIONS ACT.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 17, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE DELIVERY OF EDUCATIONAL AND OTHER SERVICES TO STUDENTS WITH

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DISABILITIES AT THE HIGH SCHOOL LEVEL AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

Referred to the **Education/Public Instruction Committee**.

H.B. 18, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO CLARIFY THE DEFINITION OF RESIDENCE FOR THE DELIVERY OF SPECIAL EDUCATION SERVICES.

Referred to the **Education/Public Instruction Committee**.

H.B. 26, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REPORT ON THE EFFICACY OF THE PREPARATION OF TEACHERS TO TEACH STUDENTS WITH DISABILITIES.

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

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 153, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE FEDERAL LAKE MATTAMUSKEET LODGE PRESERVATION ACT BY PROVIDING THAT THE WILDLIFE RESOURCES COMMISSION SHALL RESTORE AND MAINTAIN THE LODGE IN ACCORDANCE WITH THE NORTH CAROLINA ARCHIVES AND HISTORY ACT AND TO PROVIDE FOR ELIGIBILITY UNDER THE REPAIRS AND RENOVATIONS RESERVE ACCOUNT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85110, which changes the title to read **S.B. 153** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE FEDERAL LAKE MATTAMUSKEET LODGE PRESERVATION ACT BY ACCEPTING THE TRANSFER AND PROVIDING THAT AFTER REPAIRS AND RENOVATIONS BY THE DEPARTMENT OF CULTURAL RESOURCES THE PROPERTY SHALL BE TRANSFERRED TO AND MANAGED BY THE WILDLIFE RESOURCES COMMISSION, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:15 P.M.

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TWENTY-THIRD DAY

Senate Chamber
Monday, March 5, 2007

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

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

"Dear God, we are grateful for the rest received over the weekend and the opportunities before us this week in the Senate. We are as faithful in sharing each other's burdens as we are to cast our burdens upon you. We shall find success by your standards in all that we do. In your holy name we pray, Amen."

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

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, March 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. James R. Dingfelder from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Angela McClendon from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

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

S.B. 153 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE FEDERAL LAKE MATTAMUSKEET LODGE PRESERVATION ACT BY ACCEPTING THE TRANSFER AND PROVIDING THAT AFTER REPAIRS AND RENOVATIONS BY THE DEPARTMENT OF CULTURAL RESOURCES THE PROPERTY SHALL BE TRANSFERRED TO AND MANAGED BY THE WILDLIFE RESOURCES COMMISSION.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

INTRODUCTION OF BILLS AND RESOLUTIONS

A bill and a joint resolution are filed for introduction today, the rules are suspended and they are read the first time, and disposed of, as follows:

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By Senator Snow:

S.B. 482, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR LARCENY IF A PERSON USES AN EMERGENCY EXIT DOOR TO LEAVE A RETAIL ESTABLISHMENT WITH STOLEN PROPERTY.

Referred to the **Judiciary II Committee**.

By Senator Smith:

S.J.R. 499, A JOINT RESOLUTION HONORING THE WAKE FOREST UNIVERSITY FOOTBALL TEAM ON WINNING THE 2006 ATLANTIC COAST CONFERENCE CHAMPIONSHIP.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for Wednesday, March 7.

ENROLLED BILLS AND RESOLUTIONS

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

S.J.R. 389, A JOINT RESOLUTION PROVIDING THAT THE GENERAL ASSEMBLY SHALL MEET IN GREENVILLE IN HONOR OF EAST CAROLINA UNIVERSITY'S CENTENNIAL ANNIVERSARY. (Res. 9)

SENATE PAGES

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

Danielle Bringard, Wilmington; Alex Fleming, Wilson; Candace Goreman, Clayton; Jimbo Hardison V, Winston-Salem; Ryan Hodges, Wilkesboro; Christina Hodson, Burlington; Claire Judd, Greensboro; Jennifer Keys, Boomer; Meghan Meeks, Wilkesboro; Arrington Moore, Nashville; Brittany Nicholson, Murphy; Derek Pinkerton, Moravian Falls; Sarah Warrick, Mooresboro; and Helen Woolard, Kill Devil Hills.

ADDITIONAL SPONSORS

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

S.B. 112, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE E-NC AUTHORITY TO INCREASE THE AVAILABILITY OF INTERNET CONNECTIVITY IN UNDERSERVED AREAS OF THE STATE THROUGH INCENTIVE GRANTS, TO PROVIDE ADDITIONAL FUNDING FOR GENERAL OPERATIONS, TO EXPAND THE FUNDING FOR THE E-NC BUSINESS AND TECHNOLOGY TELECENTERS

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PROGRAM, AND TO PROVIDE INCENTIVES TO E-COMMUNITIES, LOCAL E-GOVERNMENT UTILIZATION PROGRAM PARTICIPANTS, AND E-COMMERCE INITIATIVES.

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

S.B. 251, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE EARLY CHILDHOOD INITIATIVES (SMART START).

Upon motion of Senator Dannelly, seconded by Senator Hoyle, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet Tuesday, March 6, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Jacumin; Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Blake, Brock, Brown, Cowell, Foriest, Graham, Hartsell, Hunt, Pittenger, Preston, Queen, Smith, Snow, Tillman and Weinstein:

S.B. 445, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PROPERTY TAX SUBCOMMITTEE OF THE REVENUE LAWS STUDY COMMITTEE TO STUDY METHODS OF PROVIDING PROPERTY TAX RELIEF.

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

By Senator Soles:

S.B. 446, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF LELAND.

Referred to the **Finance Committee**.

By Senator Soles:

S.B. 447, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROVISIONS ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WHITEVILLE.

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

By Senator Soles:

S.B. 448, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONDUCT A STUDY TO IDENTIFY THE NEEDS OF THE AGING POPULATION IN BRUNSWICK AND OTHER COUNTIES.

Referred to the **Health Care Committee**.

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By Senators Apodaca; Berger of Rockingham, Brunstetter, Forrester, Hartsell and Rand:

S.B. 449, A BILL TO BE ENTITLED AN ACT TO LIMIT COMMUNITY COLLEGE TRUSTEES TO TWO FULL FOUR-YEAR TERMS.

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

By Senators Apodaca; Berger of Rockingham, Bingham, Blake, Brown, Brunstetter, Forrester, Hartsell, Hunt, Jacumin, Malone, Rand, Smith, Swindell and Tillman:

S.B. 450, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE SCHOOL TESTING PROGRAM.

Referred to the **Education/Public Instruction Committee**.

By Senator Weinstein:

S.B. 451, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HOKE 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 Hagan, Rand; Atwater, Berger of Franklin, Dorsett, Foriest, Garrou, Kinnaird, Malone, Purcell, Queen, Snow, Swindell and Weinstein:

S.B. 452, 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 Garrou:

S.B. 453, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE FINANCIAL SUPPORT TO WINSTON-SALEM STATE UNIVERSITY FOR GRADUATE STUDENT RECRUITMENT AND RETENTION AND FOR RESEARCH.

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

By Senators Garrou; and Brunstetter:

S.B. 454, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO CONSTRUCT A NEW LIBRARY AT THE NORTH CAROLINA SCHOOL OF THE ARTS.

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

By Senators Garrou; and Brunstetter:

S.B. 455, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ASSIST WITH THE COSTS OF EQUIPMENT FOR THE NORTH CAROLINA SCHOOL OF THE ARTS.

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

March 5, 2007

By Senators Garrou; and Brunstetter:

S.B. 456, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO COVER THE PLANNING COSTS FOR A NEW CENTRAL STORAGE FACILITY AT THE NORTH CAROLINA SCHOOL OF THE ARTS.

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

By Senators Garrou; and Brunstetter:

S.B. 457, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ASSIST WITH THE COST OF CONSTRUCTING A STUDENT ACTIVITIES CENTER AT WINSTON-SALEM STATE UNIVERSITY.

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

By Senators Hoyle and Hagan:

S.B. 458, 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 Hoyle, Rand, Apodaca; Atwater, Bingham, Jones, Kinnaird and Swindell:

S.B. 459, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR THE NORTH CAROLINA HOUSING TRUST FUND.

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

By Senator Bingham:

S.J.R. 460, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF DENTON ON THE TOWN'S 100TH ANNIVERSARY.

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

By Senators Snow, Queen; Allran, Garrou, Goodall, Kinnaird and Nesbitt:

S.B. 461, A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL STARTING DATE FOR STUDENTS.

Referred to the **Education/Public Instruction Committee**.

By Senator Snow:

S.B. 462, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MAYOR OF THE CITY OF BREVARD IS ELECTED TO A FOUR-YEAR TERM.

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

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By Senator Brown:

S.B. 463, A BILL TO BE ENTITLED AN ACT TO ALLOW JONES COUNTY TO REQUIRE THE REGISTER OF DEEDS NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR HAS CERTIFIED THAT NO TAXES WITH WHICH THE COLLECTOR IS CHARGED ARE A LIEN ON THE PROPERTY.

Referred to the **Finance Committee**.

By Senator Preston:

S.B. 464, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWNS OF ATLANTIC BEACH, EMERALD ISLE, INDIAN BEACH, AND PINE KNOLL SHORES TO THE AREAS IN WHICH LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY OPERATE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

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

By Senator Preston:

S.B. 465, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY.

Referred to the **Finance Committee**.

By Senator Boseman:

S.B. 466, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING CONCEALED WEAPONS.

Referred to the **Judiciary I Committee**.

By Senator Boseman:

S.B. 467, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NEW HANOVER SHERIFF'S OFFICE TO PURCHASE A NARTEST SYSTEM.

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

By Senator Boseman:

S.B. 468, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR SATELLITE-BASED MONITORING OF SEX OFFENDERS AND TO MAKE OTHER CHANGES TO THE SEX OFFENDER LAWS.

Referred to the **Judiciary I Committee**.

By Senator Shaw:

S.B. 469, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL RESOURCES FOR LOW-PERFORMING HIGH SCHOOLS.

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

March 5, 2007

By Senator Shaw:

S.B. 470, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AGE OF PERSONS RECEIVING AN EIGHT-YEAR DRIVERS LICENSE.

Referred to the **Judiciary I Committee**.

By Senators Shaw; Goodall, Smith and Snow:

S.B. 471, A BILL TO BE ENTITLED AN ACT TO EXEMPT FOR THE STATE INCOME TAX AMOUNTS EARNED BY ACTIVE DUTY MILITARY PERSONNEL OUTSIDE OF THIS STATE.

Referred to the **Finance Committee**.

By Senator Shaw:

S.B. 472, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPLETE THE DEVELOPMENT OF THE DR. MARTIN LUTHER KING, JR. PARK IN THE CITY OF FAYETTEVILLE.

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

By Senator Purcell:

S.B. 473, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON PRIVATE PROPERTY WITHOUT WRITTEN PERMISSION FROM THE LANDOWNER OR LESSEE.

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

By Senators Purcell; Albertson, Atwater, Berger of Franklin, Bingham, Dannelly, Dorsett, Foriest, Hartsell and Malone:

S.B. 474, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO SUPPORT THE PERINATAL QUALITY COLLABORATIVE OF NORTH CAROLINA, AS RECOMMENDED BY THE NORTH CAROLINA PEDIATRIC SOCIETY.

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

By Senators Purcell; Albertson, Atwater, Berger of Franklin, Bingham, Dannelly, Dorsett, Foriest, Hartsell, Malone and Snow:

S.B. 475, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR OPERATIONS AND MAINTENANCE ASSISTANCE TO SMALL RURAL HOSPITALS.

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

By Senators Purcell; Albertson, Atwater, Berger of Franklin, Bingham, Dannelly, Dorsett, Foriest, Hartsell and Malone:

S.B. 476, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXTEND THE PILOT PROGRAM TO PURCHASE AND PLACE AUTOMATED EXTERNAL DEFIBRILLATORS IN CERTAIN

PUBLIC PLACES, AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY OPTIMAL PLACEMENT OF AUTOMATED EXTERNAL DEFIBRILLATORS.

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

By Senator Brock:

S.B. 477, A BILL TO BE ENTITLED AN ACT RELATING TO THE 34TH SENATORIAL DISTRICT.

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

By Senator Brock:

S.B. 478, A BILL TO BE ENTITLED AN ACT RELATING TO THE 34TH SENATORIAL DISTRICT.

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

By Senators Brock; Forrester and Hunt:

S.B. 479, A BILL TO BE ENTITLED AN ACT PROVIDING THAT CITIES SHALL ALLOW PROPERTY OWNERS IN ANNEXED AREAS TO PAY FOR MANDATORY WATER OR SEWER CONNECTION OVER A PERIOD OF TWENTY-FIVE YEARS.

Referred to the **Finance Committee**.

By Senators Brock; Allran, Forrester, Goodall, Hunt, Jacumin, Pittenger, Preston and Tillman:

S.B. 480, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COVERAGE FOR ABORTIONS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Select Committee on Employee Hospital and Medical Benefits**.

By Senators Brock; Allran, Forrester, Goodall, Hunt, Jacumin, Pittenger and Preston:

S.B. 481, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURES PERTAINING TO PARENTAL CONSENT FOR A MINOR TO OBTAIN AN ABORTION.

Referred to the **Health Care Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 33 (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR CATAWBA COUNTY AS TO THE CONSTRUCTION OF CERTAIN LANDFILLS IN THAT COUNTY.

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

March 5, 2007

H.B. 124, A BILL TO BE ENTITLED AN ACT TO AMEND THE EMBARGO AUTHORITY OF THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH DIRECTORS.

Referred to the **Health Care Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 7:41 P.M.

TWENTY-FOURTH DAY

Senate Chamber
Tuesday, March 6, 2007

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 Harold Salmon, St. John United Methodist Church, Gibson, North Carolina as follows:

"Almighty God, maker of heaven and earth and giver of every good and perfect gift, we bow before you in this place and open our hearts to you, giving thanks for the bounty of your blessings. We thank you for the work of these dedicated men and women that make up this Body of the North Carolina Senate. They have gathered from the beautiful mountains, from the rolling hills of the piedmont, from the coastal plains and from the very shores of the Atlantic to be about the business of our great State. We pray for wisdom and for the courage to do those things that are pleasing in your sight as they conduct the affairs of our most beautiful State. We pray for vision and understanding. Grant that those elected to serve may not handle carelessly the duties entrusted in their keeping. Temper them in ways to control their pride, to be calm in controversy and to be patient and tolerant when misunderstandings arise. Finally, we offer as a body prayers for our Great State of North Carolina and for those brave young men and women serving in harms way around the world. May we be restless until all our little children lay down at night with full stomachs. May we be restless until all have access to adequate healthcare and equal education. We ask these things in the matchless and precious name of our Lord and Savior Jesus Christ. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, March 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

March 6, 2007

The Chair extends privileges of the floor to Dr. Scott K. Garrison from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Susan Barnes from Greensboro, 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 (Criminal) Committee**:

S.B. 184, A BILL TO BE ENTITLED AN ACT TO ALLOW JUSTICES AND JUDGES TO LIST A BUSINESS ADDRESS ON A STATEMENT OF ECONOMIC INTEREST AND TO ALLOW THE ADDRESS OF A SPOUSE AND THE NAMES AND ADDRESSES OF MINOR CHILDREN TO REMAIN CONFIDENTIAL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55168, which changes the title to read **S.B. 184** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW JUSTICES AND JUDGES TO LIST A BUSINESS ADDRESS ON A STATEMENT OF ECONOMIC INTEREST AND TO KEEP THE HOME ADDRESS OF JUSTICES AND JUDGES AND THE NAMES OF UNEMANCIPATED MINOR CHILDREN CONFIDENTIAL, is adopted and engrossed.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.J.R. 225, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF EDWARD S. FINLEY, JR. TO THE UTILITIES COMMISSION, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 55161, which changes the title to read **S.J.R. 225** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF EDWARD S. FINLEY, JR. AND SAMUEL JAMES ERVIN, IV TO THE UTILITIES COMMISSION, is adopted and engrossed.

By Senator Graham for the **State & Local Government Committee**:

S.B. 22, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REGULAR MUNICIPAL ELECTIONS IN THE CITY OF ARCHDALE TO BE CONDUCTED IN EVEN-NUMBERED YEARS, AND TO EXTEND THE TERMS OF CURRENT OFFICERS TO THE NEW ELECTION SCHEDULE, with a favorable report.

March 6, 2007

S.B. 231, A BILL TO BE ENTITLED AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN TRANSYLVANIA COUNTY APPOINTIVE, with a favorable report.

S.B. 258, A BILL TO BE ENTITLED AN ACT ADOPTING THE SALUTE TO THE FLAG OF NORTH CAROLINA AS THE OFFICIAL PLEDGE TO THE STATE FLAG, with a favorable report.

S.B. 377, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LEWISVILLE TO CONDUCT AN ADVISORY REFERENDUM ON ACQUIRING LAND TO BE USED FOR PARK AND RECREATIONAL PURPOSES, with a favorable report.

H.B. 33 (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR CATAWBA COUNTY AS TO THE CONSTRUCTION OF CERTAIN LANDFILLS IN THAT COUNTY, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 435, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF INDIAN TRAIL ON THE TOWN'S CENTENNIAL ANNIVERSARY.

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 Goodall, the joint resolution is read in its entirety.

The joint resolution passes its second (49-0) and third readings and is ordered enrolled.

Upon motion of Senator Basnight, seconded by Senator Albertson, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet Wednesday, March 7, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Nesbitt:

S.B. 483, A BILL TO BE ENTITLED AN ACT RELATING TO THE 49TH SENATORIAL DISTRICT.

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

March 6, 2007

By Senator Nesbitt:

S.B. 484, A BILL TO BE ENTITLED AN ACT RELATING TO THE 49TH SENATORIAL DISTRICT.

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

By Senator Hoyle:

S.B. 485, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A PILOT PROGRAM EVALUATING THE NEED TO REQUIRE PERSONS DESIRING TO MARRY ONE ANOTHER TO RECEIVE PREMARITAL COUNSELING BEFORE THE MARRIAGE IS SOLEMNIZED BY A MAGISTRATE.

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

By Senator Hoyle:

S.B. 486, 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 Senator Hoyle:

S.B. 487, A BILL TO BE ENTITLED AN ACT TO EXTEND THE REPORTING DEADLINE FOR THE STATE AND LOCAL FISCAL MODERNIZATION STUDY COMMISSION.

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

By Senator Kinnaird:

S.B. 488, A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO CHARTER TO ALLOW THE TOWN TO REQUIRE CANDIDATES FOR ELECTIVE TOWN OFFICE TO DISCLOSE THE NAMES OF CAMPAIGN CONTRIBUTORS AND TO LIMIT BY ORDINANCE THE AMOUNT THAT PERSONS MAY CONTRIBUTE TO A CANDIDATE OR THEIR POLITICAL COMMITTEE.

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

By Senator Weinstein:

S.B. 489, A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX OF THE CITY OF LUMBERTON.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 490, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO REGULATION UNDER THE BUILDING CODE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

March 6, 2007

By Senator Cowell:

S.B. 491, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS.

Referred to the **Finance Committee**.

By Senator Cowell:

S.B. 492, A BILL TO BE ENTITLED AN ACT EXEMPTING POLITICAL SUBDIVISIONS OF THE STATE FROM THE LAWS REGULATING PUBLIC CONTRACTS WHEN PURCHASING FROM CONTRACTS ESTABLISHED BY THE UNITED STATES OF AMERICA OR ANY FEDERAL AGENCY.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Jones:

S.B. 493, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING ROAD HUNTING AND HUNTING ON THE LAND OF ANOTHER IN BERTIE COUNTY.

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

By Senator Jones:

S.B. 494, 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**.

By Senator Jones:

S.B. 495, 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 **Appropriations/Base Budget Committee**.

By Senator Jones:

S.B. 496, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PERQUIMANS COUNTY TO LEVY A ROOM OCCUPANCY TAX.

Referred to the **Finance Committee**.

By Senator Jones:

S.B. 497, 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 Jones:

S.B. 498, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT FAMILIES SUPPORTING FAMILIES.

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

March 6, 2007

By Senator Jones:

S.B. 500, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE ROANOKE-CHOWAN DOMESTIC VIOLENCE OFFENDER PROGRAM SERVING BERTIE, HERTFORD, AND NORTHAMPTON COUNTIES.

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

By Senator Jones:

S.B. 501, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE HOBGOOD CITIZENS GROUP.

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

By Senator Swindell:

S.B. 502, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REHABILITATE AND RETROFIT A BUILDING AT WILSON TECHNICAL COMMUNITY COLLEGE TO GREEN STANDARDS.

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

By Senator Swindell:

S.B. 503, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A TARMAC SITE AT NASH COMMUNITY COLLEGE.

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

By Senators Swindell; Albertson, Apodaca, Atwater, Brown, Garrou, Jones, Preston, Rand and Tillman:

S.B. 504, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITIES IN SCHOOLS OF NORTH CAROLINA, INC., PROGRAMS AND SERVICES AND FOR FIVE ADDITIONAL PERFORMANCE LEARNING CENTERS (PLC).

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

By Senators Swindell; Albertson, Apodaca, Atwater, Brock, Brown, Garrou, Goodall, Jones, Preston, Rand and Shaw:

S.B. 505, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR BUILDERS OF ENERGY-EFFICIENT HOMES.

Referred to the **Finance Committee**.

By Senators Bingham; Purcell and Tillman:

S.B. 506, 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**.

March 6, 2007

By Senator Bingham:

S.B. 507, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SOUTH DAVIDSON FAMILY RESOURCE CENTER IN DENTON.

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

By Senators Preston; and Forrester:

S.B. 508, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MOREHEAD CITY SESQUICENTENNIAL CELEBRATION.

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

By Senators Brown; Allran, Apodaca, Atwater, Berger of Rockingham, Brunstetter, Goodall, Hartsell, Jacumin, Jenkins, Pittenger, Preston, Smith, Snow and Weinstein:

S.B. 509, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION OF A MOTOR VEHICLE AFTER A FAILURE TO MEET LAWFUL STANDARDS IN AN INITIAL MOTOR VEHICLE INSPECTION.

Referred to the **Finance Committee**.

By Senators Brown; Allran, Apodaca, Atwater, Berger of Rockingham, Brock, Brunstetter, Goodall, Hartsell, Jacumin, Jenkins, Pittenger, Preston, Smith, Snow and Weinstein:

S.B. 510, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN EXEMPTION TO THE CURRENT EMISSIONS AND SAFETY INSPECTION REQUIREMENTS FOR VEHICLES REGISTERED TO MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND DEPLOYED OR ON ACTIVE DUTY, REMAIN CITIZENS OF THE STATE, AND ARE STATIONED AT A DUTY STATION OUTSIDE THE STATE.

Referred to the **Finance Committee**.

By Senator Brown:

S.B. 511, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF NORTH TOPSAIL BEACH TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

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

By Senators Kinnaird; Atwater and Foriest:

S.B. 512, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A REGIONAL VALUE-ADDED PROCESSING CENTER TO SERVE ALAMANCE, CHATHAM, DURHAM, AND ORANGE COUNTIES.

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

March 6, 2007

By Senator Boseman:

S.B. 513, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT COUNCIL VACANCIES ARE FILLED UNDER GENERAL LAW, AND 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 Senator Boseman:

S.B. 514, A BILL TO BE ENTITLED AN ACT TO PROHIBIT BUSINESSES THAT SUPPLY SERVICES OR PRODUCTS FROM MISREPRESENTING THE GEOGRAPHICAL LOCATIONS OF THEIR BUSINESSES IN TELEPHONE DIRECTORIES, DIRECTORY ASSISTANCE DATABASES, AND IN PRINT ADVERTISEMENTS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Boseman:

S.B. 515, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A SOCIAL-EMOTIONAL CURRICULUM IN THE PUBLIC SCHOOLS AND PRESCHOOL PROGRAMS AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

Referred to the **Education/Public Instruction Committee**.

By Senators Shaw, Kinnaird, Cowell, Berger of Franklin; and Clodfelter:

S.B. 516, A BILL TO BE ENTITLED AN ACT PROVIDING FOR HOW THE STATE TREASURER SHALL ADDRESS CERTAIN STATE INVESTMENTS RELATING TO SUDAN.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Rand; Albertson, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Foriest, Forrester, Garrou, Goss, Hagan, Hoyle, Jenkins, Jones, Kerr, Malone, Preston, Purcell, Snow, Stevens, Swindell and Weinstein:

S.B. 517, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR LAPEL BUTTON PLATE.

Referred to the **Finance Committee**.

By Senator Rand:

S.B. 518, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA STATE LOTTERY ACT.

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

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By Senator Jacumin:

S.B. 519, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WESTERN PIEDMONT COMMUNITY COLLEGE TO ENTER INTO AN AGREEMENT WITH BURKE COUNTY.

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

By Senators Purcell, Forrester; Albertson, Atwater, Dannelly, Dorsett, Garrou, Malone, Rand, Snow and Weinstein:

S.B. 520, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUSTAIN THE BIRTH DEFECTS MONITORING PROGRAM.

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

By Senators Purcell; Albertson, Atwater, Berger of Franklin, Dannelly, Dorsett, Forrester, Garrou, Kerr, Malone, Rand, Snow and Weinstein:

S.B. 521, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ADOLESCENT PREGNANCY PREVENTION COALITION OF NORTH CAROLINA.

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

By Senators Purcell; Albertson, Atwater, Dannelly, Dorsett, Foriest, Forrester, Garrou, Malone, Rand, Snow and Weinstein:

S.B. 522, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATEWIDE POISON CONTROL CENTER.

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

By Senators Purcell; Albertson, Atwater, Berger of Franklin, Dannelly, Dorsett, Foriest, Forrester, Garrou, Malone, Rand, Snow and Weinstein:

S.B. 523, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMPREHENSIVE ADOLESCENT HEALTH CARE CENTERS FOR THE PURPOSE OF SUSTAINING EXISTING PROGRAMS AND PROVIDING FUNDS FOR START-UP GRANTS IN AREAS THAT HAVE CRITICAL NEEDS.

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

By Senators Purcell; Albertson, Atwater, Dannelly, Dorsett, Forrester, Garrou, Malone, Rand and Snow:

S.B. 524, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPACE ON THE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE DONATIONS FOR EARLY DETECTION OF BREAST CANCER.

Referred to the **Finance Committee**.

By Senator Graham:

S.B. 525, A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH SENATORIAL DISTRICT.

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

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By Senator Graham:

S.B. 526, A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH SENATORIAL DISTRICT.

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

By Senators Berger of Franklin; Clodfelter, Cowell, Kinnaird and Snow:

S.B. 527, A BILL TO BE ENTITLED AN ACT TO REQUIRE BUSINESSES THAT SELL PRODUCTS OR SERVICES TO CONSUMERS PURSUANT TO CONTRACTS THAT AUTOMATICALLY RENEW UNLESS THE CONSUMERS CANCEL THE CONTRACTS TO DISCLOSE THE RENEWAL CLAUSES AND, FOR CONTRACTS THAT AUTOMATICALLY RENEW FOR MORE THAN ONE MONTH, TO NOTIFY THE CONSUMERS IN WRITING PRIOR TO THE CANCELLATION DEADLINE IN THE AUTOMATIC RENEWAL CLAUSE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Berger of Franklin:

S.B. 528, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:00 P.M.

TWENTY-FIFTH DAY

Senate Chamber
Wednesday, March 7, 2007

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

Prayer is offered by The Reverend Ralph Sproles, Poplar Springs Church of Christ, King, North Carolina as follows:

"Dear Lord, you have taught us in your Word, 'that it is in you that we live and move and have our being.' Life is precious. It is a gift from you. We cherish the life of the born and the unborn because it is created in your image. Father, it is from you that we have been taught all of our moral values because you taught us 'not to take the name of the Lord our God in vain.' Please forgive us for showing disrespect for you and your holy name by dragging it through the gutter

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of profanity. Because you taught us to honor our mother and father, please forgive us for the way we have confused the biblical model of the home and family. Because you taught us to treat others as we would like to be treated, please forgive us for our dishonesty and deceitfulness towards our fellow man. Help us to seek after integrity. Because you taught us that all men should be free, we pray for our troops around the world who are in harm's way because they believe in the freedom of the oppressed. Because you taught us to 'obey those who rule us,' we pray for our national leaders that they might make decisions best for our Country and not be self-serving. We also pray for those in this Chamber who have been entrusted with the leadership of this richly blessed State. Finally, we pray for ourselves that we will seek your face and your will in all things so that one day we will hear the sweetest words human ears will ever hear, 'Well done good and faithful servant.' We ask this prayer in the matchless name of Jesus Christ, our Lord. Amen."

The Chair grants leaves of absence for today to Senator Jenkins, Senator Kerr, Senator Lucas and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, March 6, 2007, has been examined and 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. Davey B. Stallings from Rural Hall, North Carolina and Dr. Jeremy K. Reading from Raleigh, North Carolina, who are serving the Senate as Doctors of the Day, and to Michelle Deak from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

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

H.J.R. 435, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF INDIAN TRAIL ON THE TOWN'S CENTENNIAL ANNIVERSARY. (Res. 10)

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces the appointment of Senator Smith, Chair; Senator Soles; Senator Hagan; Senator Snow; Senator Berger of Rockingham; Senator Forrester; Senator Garrou and Senator Brunstetter as the Committee to escort the Wake Forest University Football Team, coaches, and staff to the Well of the Senate Chamber.

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CALENDAR

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

S.J.R. 499, A JOINT RESOLUTION HONORING THE WAKE FOREST UNIVERSITY FOOTBALL TEAM ON WINNING THE 2006 ATLANTIC COAST CONFERENCE CHAMPIONSHIP.

Upon motion of Senator Rand, S.J.R. 499 is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Upon motion of Senator Smith, the joint resolution is read in its entirety and, upon motion of Senator Rand, the remarks of the Members and Coach Grobe are spread upon the Journal, as follows:

Senator Smith:

"I would like to debate the resolution, but first I want to ask my good friend from the University of North Carolina, Senator Rand, if it will be okay if we amend line 24 and make that read 6-0 rather than 6-9."

Senator Rand:

"I'll have to think about that for some significant period of time, Madame President! I'm not sure if I want to involve myself in that, but I reckon the truth will come out so it is all right. Go ahead!"

Senator Smith:

"Thank you for the opportunity to talk. The first thing that I want to do is thank my good friend, Senator Marc Basnight, for allowing this important day in the life of Wake Forest University for these young men who have worked so hard to have the opportunity to come to be in their Senate and I want to publicly thank you for that. You know to be a Wake Forest Football fan, the most important commodity that you have to have is hope. Each year over a period of time we deal with hope that as each season begins we hope that our team will be respectable and we hope that our team will, hopefully, have a winning record. But many times our hope has been dashed but this team is different. I can remember on September 2, sitting in Groves Stadium watching the Syracuse game. In the third quarter with the score tied 10-10, I watched that awful play where Ben Mauk through extreme hustle tried to recover a fumble and broke his collarbone or shoulder. I can remember the collective sigh in that stadium of what did all that mean because we didn't know who Riley Skinner was and I can remember Riley coming into the ballgame as an unknown commodity and that two plays later Sam Swank kicked a field goal and later on we scored a touchdown and won that ballgame. Then the next Saturday I was again in Groves Stadium and to my horror the Duke Blue Devils for the first three quarters were literally wearing the Demon Deacons out. I almost couldn't believe what I was seeing when a miracle happened and with a minute or so left, we scored a touchdown to go ahead 14-13, and then lo and behold as Duke had

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been doing all day, they rushed back down the field and were prepared to kick a field goal, a chip-shot field goal, a twenty-seven yard field goal and luckily Chip Vaughn broke through and blocked that field goal and that was the first of the miracle plays and as I talk you will see there was more than one miracle play because many times football games are decided in the last play or the last minute and for a long time as a Wake Forest fan we would see those games go against us. But in that instance, we won and then in succession we beat Connecticut, Mississippi, and Liberty and we were 5-0, one of the best starts in school history. Then the next Saturday, Clemson, one of the highest ranked teams in the Nation came to town. I wasn't able to go to that game but I was watching it on TV and for three quarters I couldn't believe my eyes. This team was playing flawlessly and they were taking it to Clemson. It was 17-3 going into the fourth quarter and I said, 'To be sure, this is going to be one of the greatest victories I've ever seen.' On the first play of the fourth quarter I saw what, for me, was the oddest play I have ever seen in football. We attempted a field goal and it was blocked and a tackle for Clemson caught the ball in mid air and proceeded to run roughly 70 yards for a touchdown. That turned the tide around and Clemson scored 24 points in the fourth quarter to convincingly win that ballgame. So was the dream over at that time? Many of us said, 'Was the dream over?' And we came as a team to Raleigh to play the NC State Wolfpack and I had the privilege of going to that game and watch that game and to be sure State with basically superior talent, was going to win that game and lo and behold Sam Swank kicked over three 50-yard field goals, an NCAA record there that afternoon and Josh Gattis intercepted a pass in the end zone in the last minute to preserve that victory. So we left feeling good. The next week we went to our friend at Chapel Hill and I knew that was going to be an emotional weekend because their coach was terminated and I told many of my friends, I told Senator Stevens, that we were going to lose that game because of the emotion that I felt like the Carolina team would bring to the field and sure enough they did and they played an excellent ballgame. They acquitted themselves extremely well and it wasn't until Jon Abbate intercepted a pass in the end zone, the last play of the game, intercepted in the end zone that we were able to win that game. And then, of course, we went to Boston College and the same thing happened again as Patrick Ghee intercepted a pass in the end zone on the last play of the game to win that game. So things were really good, 8 and 1, getting ready to play Florida State down in Tallahassee, the graveyard of many Wake Forest teams in the past, to go down to Tallahassee and to play Florida State and I could not believe it as I watched on TV as this team meticulously annihilated Florida State and for the first time in 31 years Coach Bobby Bowden's team did not score a touchdown. And so hopes were high and we were feeling good, but Virginia Tech came to town and proceeded to give a thrashing that I think everyone of these players will remember. It was a tough night and it was a convincing victory for Virginia Tech which set up what was an extremely important ballgame as this team went to Maryland to play for the ACC Championship and they played, in my opinion, the best game they played all year in College Park Maryland as they won the ACC Championship to the

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score of 38-24. What an exciting time and then many of us went to Jacksonville, Florida to watch the game against Georgia Tech for the ACC Championship in a drizzling rain. And again we prevailed 9-6. I can tell you, after that game as I went around and was at the team bus and saw adults, grown people crying, emotions that I had not seen in a long time, to be so happy to wait so long to achieve such great results for our University. And then, of course, along came Miami, the largest gathering in history of Wake Forest alumni, 17,000, as we went down to play Louisville. The commentators on ESPN would say that there would be no chance and that we would be humiliated. We went to that ballgame and going into the fourth quarter, we were leading 13-10 and, but for the turnovers which had become our best friend, the turnover ratio, we lost that and we had two fumbles and Louisville eventually won. But I will always remember that time down there because I think that it was more than football. It was a school who had not been on the big stage before, who had a chance to be on the big stage. It was a school who was proud of its coach, who is a man of character and who made sure that the program was sound even with all of the injuries that we had this year and got his players to believe in his system even when he had to have a wide receiver be a tailback and gain more yards than anyone else and even reverted to running the single wing. We are proud of you, but I guess for me the thing that I'm the most proud of was as the ballgame ended in Miami and there were 17,000 Wake Forest alumni and you, being disappointed at having lost and you could have gone off the field, but you didn't do that. You went over to those fans and you sang the fight song to them. And you have conducted yourselves in a way that you have made not only Wake Forest University proud, but you have made the State of North Carolina proud and we are proud of you for what you have done and we are proud of you for the way you have done it. And I would ask each one of my Senators to vote in favor of this resolution."

Senator Snow:

"You fellows don't know how happy you've made me. I want to thank Senator Smith for allowing me to be a part of this. He is an old Wake Forest football player and I am, too. I'm a really old football player and you know I haven't had a lot to be thankful about and a lot to be happy about, a lot to be smiling about over the years. These folks from Carolina and State, they give me a hard time, but I've been smiling a lot this year. You know I was watching you through the year. I didn't get to go to the games as many times as Senator Smith did, but I happened to break in on that Florida State game and you know we played at Florida State twice while I was in school and we got a bad whooping down there and I have bad memories of that. There is that mascot they have, Thunderthud, what is his name? You know that guy that throws the spear in the ground. Well, you know they were really pretty rough on us but when I turned on the TV it was after the half-time was over and you all were way ahead and I looked around in the stands and I didn't see any Florida State fans. I thought something bad had happened there. But you know the truth was they lost heart and I couldn't believe that you were beating them so bad, but it was so much fun because they had been pouring it on us for years and I was so happy to see that.

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You know this guy, there is a Lee Corso. He is the featured speaker on ESPN on the Game Day Show and he's a commentator. After the Florida State game when we shut them out 30-0, he began to look back and see that we were moving into the BCS picture. Corso's comments were that Wake Forest, who was picked to finish last in their division of the ACC, had suddenly moved into the spotlight. Florida State was looking at the Emerald Bowl. Whoever heard of that Bowl? Did they make that up for them? We were looking at the Orange Bowl. Corso, in a kidding fashion, attributed the Wake Forest phenomena to Global Warming or the El Nino. But the inconvenient truth of this is to Corso and the rest of the college football world, Wake Forest is simply a great football team with a lot of talented and hard-working players and a lot of hard-working innovative coaching staff led by the consensus National College Coach of the Year, Jim Grobe. I also wanted to speak to something that Senator Smith has already spoken to. I want to offer praise to you and to the coaches because Wake Forest leads all the Atlantic Coast Conference and BCS conference football teams in the NCAA's graduation success rate earning a 96% rating. That is really great, that really speaks well for you. I want to recognize Coach Faircloth because he was there before I was and you can tell by his hair how long he has been there! But if you will, let me reminisce just a little bit only to try to show you how far you have come. When I was there my sophomore year which was 1964, we had the best year that year that we had in a long, long time. I don't know if you have ever heard of Brian Piccolo or John Mackovich and Coach Tate was our coach then and we had a team that was held together by our beloved Doc Martin with athletic tape that he slapped on the back all the time. But that year we went 5 and 5, but you have taken it to the next plateau and you have really made me proud of what you have been able to do. I'm also inspired by the symbol that you used at the fourth quarter. You usually see at the high school games everybody sticking up the four fingers, but the fifth finger for Jon Abbate's brother, Luke, was an inspiration to you, an inspiration and a commitment that you made at the fourth quarter to dedicate your work, a hundred percent effort for that fourth quarter to Luke and so I just want you to know how much of an inspiration that was to me and I'm sure that it played a big part in your success during that fourth quarter play. I can't thank you enough for what you have done as I have said to you for how you have made me feel as an old alumni there. Back when we played there we played over at Bowman Gray Stadium, but we couldn't play if they were having a race over there that weekend. I don't know how old Fred is but he may have played back on the old Wake Forest campus, I'm not sure. But I'm really proud of you and I thank you so much for coming down here today so we could honor you. You mean a lot to the people of North Carolina and a lot to football in North Carolina. Thank you very much."

Senator Soles:

"Madame President and Ladies and Gentlemen of the Senate, I arise to ask that you support this resolution and to say to these fine young men how proud we are of you. I was in the graduating class, the last class to finish on the old campus over at Wake Forest. Senator Forrester and I were there together. We

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were at every football game, but we weren't out there with the helmets on. We both were in the band. He was the drum major and I carried a trumpet. I didn't do much playing. We are both proud to have been at Wake Forest and at having been a member of the last graduating class over there. I say to you on behalf of myself and your great-grandparents, congratulations."

Senator Berger of Rockingham:

"First, does the rule apply to helmets? I, like the other speakers, am a graduate of Wake Forest, not the undergraduate school, but the Law School and Wake Forest is a special place for anybody who has been a student at Wake Forest, whether it was Law School, undergraduate school, or even those people who may have gone one year and ended up somewhere else. I wanted to read something about this year's football team that appeared recently in the Wake Forest magazine. It is just a short synopsis of a lot of what you have heard so far and this is by Dan Collins of the *Winston-Salem Journal* and what he wrote was, 'Coach Jim Grobe and his Wake Forest Deacons were a testament in 2006 to the old saying that if you live long enough, you are liable to see anything.' Only those who have suffered with the Deacons over their largely unrequited, 105-year affair with football, can really appreciate what Coach Grobe and his resourceful, resilient team did on their stunning run to an ACC Championship and a trip to Miami for the Orange Bowl. Yes, a lot of Wake Foresters made that trip to Miami for the Orange Bowl. Some say, and I think it has been referred to already, that it was the largest group of alumni ever in one place in Wake Forest history. And for those of us who were there, it was a great several days and a great football game. The result was not exactly what we wanted, but the way you conducted yourselves was exactly what we expected of you and we are very proud of you for that. The loyalty of Wake Foresters to this team and to the University is unique and that is, as I said, because Wake Forest has a unique and special place in the hearts of people who have ever been there. The special place that this team has, has a lot to do with a number of statistics or a number of things that have already been mentioned, the smallest school ever to play in a BCS Bowl, the graduation rate that is the highest graduation rate ever for a BCS participant, one of the highest graduation rates for any team in NCAA Division I football and for a lot of us here, probably as important as anything as far as the football team is concerned, this is the first championship for the ACC for a North Carolina school since 1989 and, no, the last one was not Carolina, but the last one was Duke. So we are proud of you, we being the Wake Foresters in the Senate have a good natured relationship with are friends who are loyal Tar Heel fans and we appreciate their support for the Demon Deacons on most weekends other than the weekend they are playing the Tar Heels, but for today we are very proud of you, very proud of what you have done. Coach Grobe, we are very proud of you and we thank you for what you have done. North Carolina is proud of you and I urge your support of the resolution."

Senator Garrou:

"I want to congratulate all of you young fellows and tell you that those of us who live in Winston-Salem just love picking up the newspaper and reading all

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the great things about your team and the accolades that you have won, but the honor and glory that you have brought not only to North Carolina and to Wake Forest, but to Winston-Salem. We are most appreciative and I heard folks from the Orange Bowl talk about what a fine young group of men that you were, that you came down there and presented yourselves well. You made your mommas and daddies proud of your behavior and we were so honored with that. I also wanted to tell Coach Grobe that we are so excited that he is going to stay with us at Wake Forest. We are thrilled that some of you are going to have the opportunity to play with him again and thanks to all of you and good luck to you in the future.”

Senator Hagan:

“I, too, went to Wake Forest. I did my undergraduate work at Florida State University but then I went to Law School at Wake and what I wanted to just share with you all that during the first couple of weeks there they had a concert and there is a beautiful chapel, I’m sure you all know, at Wake, the Wake Chapel. But it is a multi-purpose building on some of the days and the concert was actually in Wake Chapel. So with my Law School buddies, we went to the concert, but there were all the undergraduates with homework, with their books before the concert started, they were reading. During the intermission, they were reading and I’m thinking, we never did this at Florida State, ever. But I just wanted to congratulate you, too. It has really been a joy and it makes all of us who went to Wake proud, how famous you are. The key point, as you have heard over and over, is the academics. What you show as football players and the graduation rate is something that we are all extremely proud of and all of North Carolina is proud of. So keep up the good work and thanks for coming today.”

Senator Brunstetter:

“I would like to echo what Senator Garrou said. Winston-Salem and Forsyth County were truly abuzz this last fall with the accomplishments of this wonderful team. I ran into Ron Wellman a few weeks ago and I told him that I was very proud of what this team had accomplished and I was proud because they had accomplished it the right way. In a big money sport filled with all the temptations of big money this is a school and this is a team that produces men of character, not just characters. I saw this first-hand with the nephew of a good friend of mine that I’ll talk about for a minute, Ryan Plakamier, who isn’t even with this team. I saw Ryan when he arrived from California as a typical teenager, a typical California teenager, and I saw over the years, Coach Grobe, how you used a variety of techniques from encouraging him to plain old tough love sometimes and you created a wonderful person in Ryan. I was fortunate enough to be able to help Ryan be a counselor at a FCA camp during the summers and I saw how he grew into a wonderful person and now that he is off on another career playing football for the Seattle Seahawks, he spends a great deal of his time ministering to the youth in his community. I am just so proud of the fact that although football is a very important thing to Coach Grobe and to

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Wake Forest University, what they are really about is producing men of character. Thank you.”

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

Coach Grobe:

“It is with great honor that we are here today and I have to tell you that I feel somewhat guilty with some of the things that have happened to me personally. I have gotten some awards because of a lot of great people at Wake Forest and I am a little humbled by all of it. I will tell you there are two main reasons why we had such a successful season. First and foremost, we had a truly remarkable group of football players and, more importantly, a remarkable group of guys. This is a very unselfish football team, a team of guys that really and truly checked their egos at the door before going on the game field, a group of guys that were truly friends. We didn’t have a lot of those little clique groups that you get sometimes on a team. We had a remarkable group of guys that really liked each other and played that way every time out on Saturday afternoon. I would like to thank, also, a wonderful group of football coaches, a group of coaches that really and truly had the team’s best interest at heart. We had an offensive and defensive group of coaches that didn’t care whether we won three to nothing or forty-nine to forty-eight. All they cared about was trying to give our players a chance every Saturday to go out with a game plan and have a chance to win. So I have to thank my coaches, the most fun football team I’ve ever had a chance to be a part of, and I especially want everybody in this room to understand how proud we were to represent Wake Forest and the entire State of North Carolina in the ACC Championship game and in the Orange Bowl. Thanks so much. Go Deacs!”

Senator Basnight:

“I have sitting with me, Coach, some old Wake Forest players from Bertie County, from a little community called Colerain and they played before the campus at Wake Forest. I recognize them and every player that ever played for Wake Forest University and anyone who ever coached for this wonderful collection of athletes and scholars, people who have represented us above and beyond what anyone could ever expect. When you are predicted not to do very well, normally that happens. You have accomplished what I never could accomplish. You not only were an athlete and you played on this great, wonderful football team and you represented the University, the State, and to some extent our Country, but you succeeded academically and that is something that many people in this State have never done for various reasons. You’ve done much more than I and you’ve done what I dreamed and wished I was able to do. You went to college and you will graduate and you played football. That is the dream of so many young people. It was my dream and I never accomplished that and you have done what I wanted to do and what so many of

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us wanted to do. You made this State awfully proud. You made all of its people something special. And Coach, the best coach in America standing here in our Chamber, in our house of Government, we thank you and now we present to you and to this University the flag, the great flag of the Great State of North Carolina. So on behalf of the North Carolina Senate and all eight and a half million people, here is your flag to your State and to your home. God bless you and this wonderful team.”

The Chair extends the privileges of the floor to the Wake Forest University Football Team players and coaches, who introduce themselves as follows: Josh Adams; Micah Andrews; Stanley Arnoux; Trey Bailey; Greg Bechtel; Richard Belton; Eric Berry; Joseph Birdsong; Matt Brim; Chip Brinkman; De' Angelo Bryant; Lucas Caparelli; Michael Carter; Andrew Conroy; Gage Crews; Aaron Curry; Anthony Davis; Chris DeGeare; Louis Frazier; Alex Frye; Cannon Gaskin; Jeff Griffin; Matt Hartford; Hunter Haynes; Casey Hill; Nick Jarvis; Jonathan Jones; Steve Justice; Chris Langley; Michael Lockett; Delon Lowe; Zach MacDowall; Kerry Major; Lee Malchow; Aaron Mason; Ryan McManus; Barrett McMillin; Dominique Midgette; Kenneth Moore; Russell Nemon; Kevin Patterson; Tyler Peterson; Jesse Powell; Ted Randolph; John Russell; Tripp Russell; Wayne Schmidt; Channing Schofield; Zac Selmon; Michael Simmons; Riley Skinner; Alphonso Smith; Jamil Smith; Zac Stukes; Sam Swank; Jon Temple; Jeremy Thompson; Teddy Tomlin; Jyles Tucker; Chip Vaughn; Anthony Williams; Marcus Williams; Marshall Williams; Antonio Wilson; Matt Woodlief; Ben Wooster; Billy Mitchell, Coach; Steed Lobotzke, Coach; Tommy Elrod, Coach; Keith Henry, Coach; Tim Billings, Coach; Allen Franklin, Coach; Bill Faircloth, Coach and Joe Haynes, Team Chaplain.

The President recognizes the Committee to escort the guests from the Chamber.

PRIVILEGES OF THE FLOOR

The Chair extends privileges of the floor to The Honorable C. R. Edwards, former Senator from Cumberland County, and The Honorable David R. Parnell, former Senator from Robeson County.

CALENDAR *(continued)*

S.B. 22, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REGULAR MUNICIPAL ELECTIONS IN THE CITY OF ARCHDALE TO BE CONDUCTED IN EVEN-NUMBERED YEARS, AND TO EXTEND THE TERMS OF CURRENT OFFICERS TO THE NEW ELECTION SCHEDULE.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 231, A BILL TO BE ENTITLED AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN TRANSYLVANIA COUNTY APPOINTIVE.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 377, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LEWISVILLE TO CONDUCT AN ADVISORY REFERENDUM ON ACQUIRING LAND TO BE USED FOR PARK AND RECREATIONAL PURPOSES.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 33 (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR CATAWBA COUNTY AS TO THE CONSTRUCTION OF CERTAIN LANDFILLS IN THAT COUNTY.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 56, A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Monday, March 12.

S.B. 58, 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, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with a favorable report.

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

S.B. 110, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW OPTIONS FOR INCREASING MEDICAID MEDICALLY NEEDY INCOME LIMITS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with a favorable report.

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

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S.B. 199, A BILL TO BE ENTITLED AN ACT TO MAINTAIN AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND DISABLED PERSONS AND TO APPROPRIATE FUNDS FOR THE SERVICE, with a favorable report.

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

S.B. 164, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RULES AND REGULATIONS REGARDING HOUSING INDIVIDUALS WITH MENTAL ILLNESS IN THE SAME FACILITY VICINITY AS INDIVIDUALS WITHOUT MENTAL ILLNESS, AND TO RECOMMEND STAFF TRAINING REQUIREMENTS FOR DIRECT CARE WORKERS IN LONG-TERM CARE FACILITIES TO PROVIDE APPROPRIATE CARE TO RESIDENTS WITH MENTAL ILLNESS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35157, which changes the title to read **S.B. 164** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RULES AND REGULATIONS REGARDING HOUSING INDIVIDUALS WITH MENTAL ILLNESS IN THE SAME FACILITY VICINITY AS INDIVIDUALS WITHOUT MENTAL ILLNESS, AND TO RECOMMEND STAFF TRAINING REQUIREMENTS FOR DIRECT CARE WORKERS IN ADULT CARE HOMES TO PROVIDE APPROPRIATE CARE TO RESIDENTS WITH MENTAL ILLNESS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Monday, March 12.

By Senator Graham for the **State & Local Government Committee**:

S.B. 16, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85132, which changes the title to read **S.B. 16** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Monday, March 12.

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S.B. 193, A BILL TO BE ENTITLED AN ACT TO ASSIST GASTON AND LINCOLN COUNTIES IN RESOLVING THEIR COMMON BOUNDARY BY ALLOWING THEM TO VARY FROM THE LINE ESTABLISHED BY THE 1963 GENERAL ASSEMBLY TO RECOGNIZE HISTORICAL PRACTICE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65106, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Monday, March 12.

S.B. 255, A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENTAL ENTITY OUTSIDE OF POLK COUNTY MAY ANNEX ANY PORTION OF THAT COUNTY, OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO 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 75186, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Monday, March 12.

CALENDAR (*continued*)

S.B. 184 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW JUSTICES AND JUDGES TO LIST A BUSINESS ADDRESS ON A STATEMENT OF ECONOMIC INTEREST AND TO KEEP THE HOME ADDRESS OF JUSTICES AND JUDGES AND THE NAMES OF UNEMANCIPATED MINOR CHILDREN CONFIDENTIAL.

Senator Snow offers Amendment No. 1 which is adopted (45-0), and changes the title to read **S.B. 184** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW JUSTICES, JUDGES AND DISTRICT ATTORNEYS TO LIST A BUSINESS ADDRESS ON A STATEMENT OF ECONOMIC INTEREST AND TO KEEP THE HOME ADDRESS OF JUSTICES, JUDGES AND DISTRICT ATTORNEYS AND THE NAMES OF UNEMANCIPATED MINOR CHILDREN CONFIDENTIAL.

The Committee Substitute bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.J.R. 225 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF EDWARD S. FINLEY, JR. AND SAMUEL JAMES ERVIN, IV TO THE UTILITIES COMMISSION.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 258, A BILL TO BE ENTITLED AN ACT ADOPTING THE SALUTE TO THE FLAG OF NORTH CAROLINA AS THE OFFICIAL PLEDGE TO THE STATE FLAG.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

REMOVAL OF BILL CO-SPONSOR

Senator Preston requests that she be removed as a sponsor of previously introduced legislation:

S.B. 191, A BILL TO BE ENTITLED AN ACT TO ADD FIVE PROFESSIONAL DEVELOPMENT DAYS FOR TEACHERS TO THE SCHOOL CALENDAR.

Upon motion of Senator Dannelly, seconded by Senator Berger of Rockingham, the Senate adjourns subject to introduction of bills and receipt of messages from the House of Representatives, to meet Thursday, March 8, at 10:30 P.M., in Wright Auditorium on the Campus of East Carolina University, Greenville, North Carolina.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Goss:

S.B. 529, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BLOWING ROCK TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

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

By Senator Cowell:

S.B. 530, A BILL TO BE ENTITLED AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF ENERGY SAVING TECHNOLOGIES.

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

By Senator Cowell:

S.B. 531, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE 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**.

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By Senator Soles:

S.B. 532, 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**.

By Senators Dannelly; Dorsett and Graham:

S.B. 533, A BILL TO BE ENTITLED AN ACT TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS.

Referred to the **Finance Committee**.

By Senators Dannelly; Berger of Franklin, Clodfelter, Dorsett, Goodall, Graham, Malone, Purcell, Queen and Tillman:

S.B. 534, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL SCHOOL NURSES.

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

By Senators Dannelly; Clodfelter, Dorsett, Goodall, Graham and Malone:

S.B. 535, A BILL TO BE ENTITLED AN ACT RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN PROPERTY BY PRIVATE NEGOTIATED SALE.

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

By Senators Dannelly; Berger of Franklin, Clodfelter, Dorsett, Goodall, Graham, Malone, Purcell, Queen and Tillman:

S.B. 536, A BILL TO BE ENTITLED AN ACT TO EXTEND THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS AND TO REPEAL THE REQUIREMENT THAT LOCAL SCHOOL ADMINISTRATIVE UNITS CONTRIBUTE TO THE RETIREMENT SYSTEM FOR THESE EMPLOYEES.

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

By Senators Dannelly; Clodfelter, Graham and Malone:

S.B. 537, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF CHARLOTTE TO SUPPORT SCHOLARSHIPS AND TO PROMOTE THE CIAA TOURNAMENT.

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

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By Senators Dannelly; Berger of Franklin, Clodfelter, Dorsett, Graham, Malone, Purcell, Queen and Tillman:

S.B. 538, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS FOR DISADVANTAGED STUDENT SUPPLEMENTAL FUNDING.

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

By Senator Kinnaird:

S.B. 539, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL TO PERMIT THE TOWN TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTION IN ENERGY CONSUMPTION.

Referred to the **Finance Committee**.

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

S.B. 540, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS, MOTOR FUELS TAX LAWS, AND RELATED STATUTES.

Referred to the **Finance Committee**.

By Senators Hartsell; and Clodfelter:

S.B. 541, A BILL TO BE ENTITLED AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE WITH DRINKING WATER RULES AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM.

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

By Senators Hartsell; Apodaca and Berger of Rockingham:

S.B. 542, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS.

Referred to the **Education/Public Instruction Committee**.

By Senator Hartsell:

S.B. 543, A BILL TO BE ENTITLED AN ACT MODIFYING THE PUBLIC RECORDS LAWS APPLICABLE TO THE UNIVERSITY OF NORTH CAROLINA, TO PROTECT THE PRIVACY OF APPLICANTS WHO ARE NOT ADMITTED OR WHO DO NOT ENROLL, AND TO PROVIDE THAT CERTAIN AUDIT RECORDS ARE PUBLIC DOCUMENTS.

Referred to the **Judiciary II Committee**.

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By Senator Hartsell:

S.B. 544, A BILL TO BE ENTITLED AN ACT TO RESTATE THE CHARTER OF CABARRUS MEMORIAL HOSPITAL.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 545, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CABARRUS COUNTY AND MUNICIPALITIES IN CABARRUS COUNTY TO USE QUICK TAKE IN CERTAIN CONDEMNATION PROCEEDINGS.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 546, 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. 547, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT.

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

By Senator Hartsell:

S.B. 548, 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 Dannelly; Goodall, Graham, Malone and Pittenger:

S.B. 549, A BILL TO BE ENTITLED AN ACT TO ALLOW PASSENGER BUSES THAT HAVE AN OVERALL LENGTH OF SIXTY-ONE FEET TO OPERATE ON PUBLIC STREETS AND HIGHWAYS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Dannelly; Clodfelter, Graham and Malone:

S.B. 550, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE ARTHRITIS FOUNDATION.

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

By Senator Berger of Franklin:

S.B. 551, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE COUNTY TO LEVY A LOCAL LAND TRANSFER TAX.

Referred to the **Finance Committee**.

By Senators Garrou, Jenkins; Allran, Atwater, Brown, Hartsell, Preston, Queen and Weinstein:

S.B. 552, A BILL TO BE ENTITLED AN ACT TO EXEMPT FUEL SOLD

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TO MANUFACTURERS FROM THE SALES AND USE TAX, THE EXCISE TAX ON PIPED NATURAL GAS, AND THE EXCISE TAX ON MANUFACTURING FUEL AND CERTAIN MACHINERY AND EQUIPMENT.

Referred to the **Finance Committee**.

By Senators Garrou; and Brunstetter:

S.B. 553, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE SUMMER TECHNOLOGY INSTITUTE IN FORSYTH COUNTY.

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

By Senators Garrou; Atwater, Boseman, Brunstetter, Clodfelter, Dannelly, Forrester, Jenkins, Malone, Purcell and Rand:

S.B. 554, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AUTISM SOCIETY OF NORTH CAROLINA FOR THE ASD PARTNERS TRAINING PROGRAM.

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

By Senators Blake; East, Hunt and Tillman:

S.B. 555, A BILL TO BE ENTITLED AN ACT AUTHORIZING HARNETT COUNTY TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT EXPANSION PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

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

By Senators Kerr and Jenkins:

S.B. 556, A BILL TO BE ENTITLED AN ACT AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING OR STRUCTURE CODE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Albertson; Allran, Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hagan, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein:

S.B. 557, 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.

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

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By Senators Brunstetter; Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Brock, Dorsett, East, Foriest, Forrester, Garrou, Goss, Hagan, Hartsell, Malone and Tillman:

S.B. 558, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE PURCHASE OF SUPPLIES, MATERIALS, AND EQUIPMENT BY THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE PURCHASE AND CONTRACT REQUIREMENTS OF ARTICLE 3 OF CHAPTER 143 OF THE GENERAL STATUTES, AND TO REQUIRE THE NORTH CAROLINA ZOOLOGICAL PARK COUNCIL TO ESTABLISH POLICIES AND REGULATIONS GOVERNING THE PURCHASE AND CONTRACT REQUIREMENTS APPLICABLE TO THE NORTH CAROLINA ZOOLOGICAL PARK.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Hunt, Stevens and Cowell:

S.B. 559, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CARY AND WAKE FOREST TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THEIR HISTORIC DISTRICTS.

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

By Senator Hunt:

S.B. 560, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WAKE.

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

By Senator Hunt:

S.B. 561, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF WAKE FOREST.

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

By Senator Jenkins:

S.B. 562, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF SPECIAL INDEBTEDNESS FOR EQUIPMENT COSTS OF THE VOICE INTEROPERABILITY PLAN FOR EMERGENCY RESPONDERS AND TO MAKE AN APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF THE SYSTEM.

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

By Senator Jenkins:

S.B. 563, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO LEVY A ONE-CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES, OTHER CAPITAL INFRASTRUCTURE NEEDS, ROAD CONSTRUCTION, OR MENTAL HEALTH PROGRAMS.

Referred to the **Finance Committee**.

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By Senator Jenkins:

S.B. 564, 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 Senators Hagan and Dorsett:

S.B. 565, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE JOINT SCHOOL OF NANOSCIENCE AND NANOENGINEERING, A COLLABORATION OF NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY AND THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO.

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

By Senators Kinnaird; Albertson, Atwater, Berger of Franklin and Cowell:

S.B. 566, 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.

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

By Senator Dalton:

S.B. 567, A BILL TO BE ENTITLED AN ACT TO PROMOTE ENERGY EFFICIENCY BY ALLOWING THE DISTRIBUTION OF E-BLEND FUELS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Atwater:

S.B. 568, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LEE COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX.

Referred to the **Finance Committee**.

By Senators Hartsell; Atwater, Bingham, Cowell and Snow:

S.B. 569, A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX RELIEF FOR QUALIFYING WILDLIFE CONSERVATION LAND.

Referred to the **Finance Committee**.

By Senator Soles:

S.B. 570, A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF WATHA.

Referred to the **Finance Committee**.

By Senator Soles:

S.B. 571, A BILL TO BE ENTITLED AN ACT PROVIDING FOR A TWO-YEAR MORATORIUM ON THE ANNEXATION AND INCORPORATION

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OF A DESIGNATED AREA IN PENDER COUNTY, KNOWN AS HAMPSTEAD.

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

By Senator Weinstein:

S.B. 572, A BILL TO BE ENTITLED AN ACT PROVIDING FOR A MORATORIUM ON ANNEXATIONS INTO HOKE COUNTY BY MUNICIPALITIES OUTSIDE THE COUNTY AND A MORATORIUM ON THE EXERCISE OF EXTRATERRITORIAL JURISDICTION POWERS IN THE COUNTY BY MUNICIPALITIES OUTSIDE THE COUNTY.

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

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

S.B. 573, A BILL TO BE ENTITLED AN ACT DISALLOWING ECONOMIC DEVELOPMENT INCENTIVES TO COMPANIES THAT EMPLOY UNAUTHORIZED ALIENS; REQUIRING STATE AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATE TO VERIFY THE LAWFUL PRESENCE OF ALL APPLICANTS FOR PUBLIC ASSISTANCE THAT ARE EIGHTEEN YEARS OF AGE OR OLDER; AND PROHIBITING STATE AND LOCAL GOVERNMENT CONTRACTS WITH CONTRACTORS WHO EMPLOY ILLEGAL IMMIGRANTS.

Referred to the **Finance Committee**.

By Senators Pittenger; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston and Tillman:

S.B. 574, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Clodfelter; and Hoyle:

S.B. 575, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO REGULATION UNDER THE BUILDING CODE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Clodfelter:

S.B. 576, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING BUSINESS ENTITIES TO MAKE VARIOUS CLARIFYING

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AND TECHNICAL CHANGES REGARDING MERGERS AND THE AUTHORITY OF BOARD COMMITTEES.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 577, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AGREEMENTS WITH THE LOCAL GOVERNMENTS TO EXPEDITE CONNECTING ROADS BETWEEN AN INTERSTATE AND ANOTHER MODE OF TRANSPORTATION.

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

By Senators Clodfelter; Dannelly, Goodall, Graham and Pittenger:

S.B. 578, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADDITIONAL SUPERIOR COURT JUDGE, AND ADDITIONAL DISTRICT COURT JUDGE, FIVE ADDITIONAL ASSISTANT DISTRICT ATTORNEYS, AND OTHER COURT PERSONNEL POSITIONS FOR THE 26TH JUDICIAL DISTRICT.

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

By Senators Clodfelter; Dannelly, Goodall, Graham and Pittenger:

S.B. 579, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS ON PUBLIC CONSTRUCTION PROJECTS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Clodfelter; Dannelly, Goodall and Graham:

S.B. 580, A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE TREASURER TO INVEST, ON BEHALF OF LOCAL GOVERNMENTS, IN EQUITIES FUNDS SET ASIDE FOR OTHER POST-EMPLOYMENT BENEFITS.

Referred to the **Finance Committee**.

By Senators Clodfelter; Dannelly, Goodall, Graham and Pittenger:

S.B. 581, A BILL TO BE ENTITLED AN ACT ALLOWING MECKLENBURG COUNTY TO PROVIDE BUILDING PERMIT FEE REBATES FOR BUILDINGS THAT ARE BUILT TO LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN STANDARDS.

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

By Senators Clodfelter; Dannelly, Goodall and Graham:

S.B. 582, A BILL TO BE ENTITLED AN ACT ALLOWING MECKLENBURG COUNTY TO INVEST IN EQUITIES FUNDS SET ASIDE

FOR OTHER POST-EMPLOYMENT BENEFITS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:50 P.M.

TWENTY-SIXTH DAY

Wright Auditorium
East Carolina University
Greenville, North Carolina
Thursday, March 8, 2007

Pursuant to S.J.R. 389, a joint resolution providing that the 2007 General Assembly shall meet in East Carolina University in honor of the Centennial Anniversary of the University, the Senate convenes at Wright Auditorium at East Carolina University, Greenville, North Carolina.

The Senate 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 Scott Wilkinson, United Methodist Campus Minister, East Carolina University, as follows:

"Dear God of all peoples you alone are holy, yet you call us to be a people after your own heart. Forgive us where we have failed you. Grant us humility and determination to follow you more completely. We pray your blessing and guidance on the North Carolina General Assembly and on this gathering of the Senate. Thank you for the awesome privilege of being in positions of service. May the deliberations and decisions of this day be worthy of such a high calling. God, we give you thanks for East Carolina University and its 100-Year Anniversary. We pray for its Chancellor and all administrators, for faculty and the support staff from secretaries, to cooks, to cleaning crew, but mostly we pray for the students. May they take full advantage of the incredible opportunities that are here, to learn what they need to succeed, not just financially, but morally, emotionally and spiritually. We pray for our national leaders and for peace on earth. May justice flow down like waters and the poor be respected as the rich. And if there is one person in our beloved State for whom no prayer is being offered today, may this prayer count for that one as well. Amen."

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The Chair grants leaves of absence for today to Senator Allran, Senator Apodaca, Senator Berger of Franklin, Senator Berger of Rockingham, Senator Boseman, Senator Brock, Senator Brown, Senator Brunstetter, Senator Clodfelter, Senator Cowell, Senator Dalton, Senator East, Senator Forrester, Senator Garrou, Senator Goodall, Senator Goss, Senator Graham, Senator Hagan, Senator Hartsell, Senator Hoyle, Senator Jacumin, Senator Jenkins, Senator Kerr, Senator Kinnaird, Senator Lucas, Senator Malone, Senator Nesbitt, Senator Pittenger, Senator Rand, Senator Shaw, Senator Snow, Senator Soles, Senator Tillman and Senator Weinstein.

Senator Jones announces that the Journal of Wednesday, March 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Valerie J. Gilchrist from the Department of Family Medicine, Brody School of Medicine, who is serving the Senate as Doctor of the Day, and to Bobby Lowery from the Brody School of Medicine and Mrs. Ginny Williams from Washington, North Carolina, who are serving the Senate as Nurses of the Day.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 460, A JOINT RESOLUTION HONORING EAST CAROLINA UNIVERSITY ON THE UNIVERSITY'S CENTENNIAL ANNIVERSARY.

Without objection, the joint resolution is placed on the Calendar for immediate consideration.

CALENDAR

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

H.J.R. 460, A JOINT RESOLUTION HONORING EAST CAROLINA UNIVERSITY ON THE UNIVERSITY'S CENTENNIAL ANNIVERSARY.

Without objection, the joint resolution passes its second reading by voice vote and third reading with members standing and is ordered enrolled.

PRIVILEGES OF THE FLOOR

The President *Pro Tempore*, extends privileges of the floor to The Honorable Tony P. Moore and The Honorable Thomas F. Taft, former Senators from Pitt County.

March 8, 2007

Upon motion of Senator Dannelly, seconded by Senator Queen, the Senate adjourns at 11:31 A.M. subject to a presentation to the University, to meet in the Senate Chamber on Monday, March 12, at 7:00 P.M.

TWENTY-SEVENTH DAY

Senate Chamber
Monday, March 12, 2007

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

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

"Dear Lord, we begin our week in the Senate with heavy hearts, saddened by the death of friend and colleague, Senator Jeanne Lucas. She lived with a grace that offered both compassion and inspiration to everybody that she met, to those like us who have been given every opportunity to succeed and to those who have been given very few of those opportunities. She brought out the best in all of us. Though we shall miss Senator Lucas, grant that her legacy will live on through the students she taught in public schools and in her church and because we were blessed that she passed our way through us. Amen."

The Chair grants leaves of absence for tonight to Senator Bingham, Senator Dalton, Senator Jones and Senator Preston.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, March 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Warner Hall from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS AND RESOLUTIONS

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

H.B. 33, AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR CATAWBA COUNTY AS TO THE CONSTRUCTION OF CERTAIN LANDFILLS IN THAT COUNTY.

March 12, 2007

S.J.R. 499, A JOINT RESOLUTION HONORING THE WAKE FOREST UNIVERSITY FOOTBALL TEAM ON WINNING THE 2006 ATLANTIC COAST CONFERENCE CHAMPIONSHIP. (Res. 11)

H.J.R. 460, A JOINT RESOLUTION HONORING EAST CAROLINA UNIVERSITY ON THE UNIVERSITY'S CENTENNIAL ANNIVERSARY. (Res. 12)

CALENDAR

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

S.B. 56, A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, March 13.

S.B. 16 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, March 13.

S.B. 255 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENTAL ENTITY OUTSIDE OF POLK COUNTY MAY ANNEX ANY PORTION OF THAT COUNTY OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO POLK COUNTY.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, March 13.

S.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST GASTON AND LINCOLN COUNTIES IN RESOLVING THEIR COMMON BOUNDARY BY ALLOWING THEM TO VARY FROM THE LINE ESTABLISHED BY THE 1963 GENERAL ASSEMBLY TO RECOGNIZE HISTORICAL PRACTICE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Pittenger, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Tuesday, March 13, upon third reading.

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S.B. 164 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RULES AND REGULATIONS REGARDING HOUSING INDIVIDUALS WITH MENTAL ILLNESS IN THE SAME FACILITY VICINITY AS INDIVIDUALS WITHOUT MENTAL ILLNESS, AND TO RECOMMEND STAFF TRAINING REQUIREMENTS FOR DIRECT CARE WORKERS IN ADULT CARE HOMES TO PROVIDE APPROPRIATE CARE TO RESIDENTS WITH MENTAL ILLNESS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM CALENDAR

S.B. 255 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENTAL ENTITY OUTSIDE OF POLK COUNTY MAY ANNEX ANY PORTION OF THAT COUNTY OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO POLK COUNTY, placed earlier on the Calendar for tomorrow, Tuesday, March 13.

Senator Rand offers a motion that the bill be withdrawn from the Calendar for Tuesday, March 13, and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for Tuesday, March 13, and re-refers the measure to the **State & Local Government Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senators Swindell, Cowell, Hunt, Malone, Stevens, Basnight, Rand; Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dorsett, East, Foriest, Garrou, Graham, Hartsell, Jacumin, Jenkins, Kinnaird, Shaw, Snow, Soles, Tillman and Weinstein:

S.J.R. 674, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM PEACE, FOUNDER OF PEACE COLLEGE.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for Wednesday, March 14.

WITHDRAWAL FROM COMMITTEE

S.J.R. 253, A JOINT RESOLUTION HONORING INDEPENDENCE HIGH SCHOOL ON HAVING AN OUTSTANDING FOOTBALL TEAM AND HONORING THE MEMORY OF DEVIN HOWARD, referred to the **Rules and Operations of the Senate Committee** on Thursday, February 22.

March 12, 2007

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, March 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 Wednesday, March 14.

SENATE PAGES

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

Kirsten Ham, Greensboro; Audrey Iwerks, White Lake; Shantelle Johnson, Raleigh; Kristen Johnson, Ivanhoe; Eli Kendall, Kelly; Alyssa Littlefield, Greensboro; Jamie Loflin, Jamestown; Kim Martinez, Statesville; Amber Nead, Newport; Meggan Pollard, Garner; Jessica Smith, Winterville; and Heather Watson, Raleigh.

Upon motion of Senator Dannelly, seconded by Senator Weinstein, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, and in memory of Senator Jeanne H. Lucas, to meet Tuesday, March 13, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Purcell:

S.B. 583, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES IN THE PUBLIC HEALTH LAW RELATED TO THE MEDICAL EXAMINER SYSTEM, INJURY CONTROL EFFORTS, TIMELINESS OF REPORTS BY SCHOOLS REGARDING IMMUNIZATIONS, AND THE CREATION, EXTENSION, AND DISSOLUTION OF SANITARY DISTRICTS.

Referred to the **Health Care Committee**.

By Senator Purcell:

S.B. 584, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR TWO ADDITIONAL ASSISTANT DISTRICT ATTORNEYS, TWO ADDITIONAL VICTIM WITNESS LEGAL ASSISTANTS, AND AN INVESTIGATOR FOR PROSECUTORIAL DISTRICT 20A.

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

By Senators Purcell; Atwater, Dorsett, Hartsell, Kerr and Rand:

S.B. 585, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,

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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, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HEALTH CARE.

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

By Senators Nesbitt; Berger of Franklin, Kerr, Kinnaird, Queen, Rand, Snow and Soles:

S.B. 586, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE TORT CLAIM LIMIT.

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

By Senators Stevens; Cowell, Hunt and Malone:

S.B. 587, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE CAPITAL FUNDS TO HOSPICE OF WAKE COUNTY FOR THE CONSTRUCTION OF A HOSPICE AND PALLIATIVE CARE CENTER IN WAKE COUNTY.

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

By Senator Kinnaird:

S.B. 588, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE GREATER FLEXIBILITY IN THE PAYMENT OF SPECIAL ASSESSMENTS AND THE COLLECTION OF DELINQUENT SPECIAL ASSESSMENT PAYMENTS.

Referred to the **Finance Committee**.

By Senators Berger of Franklin, Goodall, Shaw; Apodaca, Foriest, Hartsell, Jones, Kinnaird and Stevens:

S.B. 589, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ALLOCATION OF CAPITAL FUNDS TO SOME CHARTER SCHOOLS.

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

By Senators Berger of Franklin, Goodall, Shaw; Brunstetter, Foriest, Hartsell, Jones, Kinnaird and Stevens:

S.B. 590, A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON CERTAIN CHARTER SCHOOLS.

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

By Senators Cowell; Atwater, Berger of Franklin, Graham, Hunt, Kinnaird, Malone, Nesbitt, Snow and Stevens:

S.B. 591, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE OPTION OF HAVING DELIVERY OF LOCAL TELEPHONE DIRECTORIES TO NORTH CAROLINA RESIDENTS STOPPED, TO

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REQUIRE PUBLIC NOTIFICATION OF THIS OPTION PRINTED ON THE FRONT OF LOCAL TELEPHONE DIRECTORIES, TO ENCOURAGE THE ANNUAL COLLECTION OF DISCARDED TELEPHONE DIRECTORIES FOR RECYCLING, AND TO REQUIRE PUBLISHERS OF THESE DIRECTORIES TO USE THIRTY PERCENT POSTCONSUMER RECYCLED CONTENT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Shaw:

S.B. 592, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A NEW SENIOR CENTER IN CUMBERLAND COUNTY.

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

By Senator Shaw:

S.B. 593, A BILL TO BE ENTITLED AN ACT TO REINSTATE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN BUSINESSES IN CERTAIN CONTRACTS LET BY THE DEPARTMENT OF TRANSPORTATION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Shaw:

S.B. 594, A BILL TO BE ENTITLED AN ACT TO INCREASE FUNDING TO THE NORTH CAROLINA HOUSING TRUST FUND TO PROVIDE HOUSING FOR PERSONS WITH SUBSTANCE ABUSE PROBLEMS, PHYSICAL OR MENTAL DISABILITIES, OR MENTAL ILLNESS.

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

By Senators Graham; Clodfelter, Dannelly, Goodall and Pittenger:

S.B. 595, A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPOINTMENT PROCESS FOR TRUSTEES OF THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY.

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

By Senators Graham; Clodfelter, Dannelly, Goodall and Pittenger:

S.B. 596, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE ENERGY PRODUCTION AND INFRASTRUCTURE CENTER ON THE CAMPUS OF THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE.

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

By Senators Graham; Clodfelter, Dannelly, Goodall and Pittenger:

S.B. 597, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW JUVENILE DETENTION CENTER IN MECKLENBURG COUNTY.

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

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By Senators Graham; Clodfelter and Dannelly:

S.B. 598, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE LYNWOOD FOUNDATION FOR AN AFRICAN-AMERICAN SUMMIT.

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

By Senator Soles:

S.B. 599, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OCEAN ISLE BEACH SHORE PROTECTION.

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

By Senators Malone; Cowell and Stevens:

S.B. 600, 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 and Stevens:

S.B. 601, 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; Cowell and Stevens:

S.B. 602, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TAMMY LYNN CENTER FOR DEVELOPMENTAL DISABILITIES.

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

By Senators Malone, Stevens, Kerr; Albertson, Apodaca, Atwater, Bingham, Brunstetter, Clodfelter, Dalton, Dannelly, Foriest, Garrou, Goss, Hoyle, Jenkins, Jones, Nesbitt, Preston, Purcell, Rand, Snow, Swindell, Tillman and Weinstein:

S.B. 603, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE LAW THAT SETS THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS AND REQUIRES THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS.

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

By Senator Berger of Rockingham:

S.B. 604, A BILL TO BE ENTITLED AN ACT TO CAP THE AD VALOREM TAX RATE OF THE TOWN OF WENTWORTH.

Referred to the **Finance Committee**.

By Senator Berger of Rockingham:

S.B. 605, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.

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

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By Senator Berger of Rockingham:

S.B. 606, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GUILFORD.

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

By Senator Atwater:

S.B. 607, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

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

By Senator Atwater:

S.B. 608, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO EXPEDITE REMOVAL OF REFUSE AND DEBRIS BY AMENDING THE DEFINITION OF CHRONIC VIOLATOR.

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

By Senator Atwater:

S.B. 609, A BILL TO BE ENTITLED AN ACT TO ALLOW CHATHAM COUNTY TO USE RECREATION FUNDS RECEIVED FROM SUBDIVISION DEVELOPERS TO CONSTRUCT AND ACQUIRE RECREATIONAL FACILITIES IN CHATHAM COUNTY.

Referred to the **Finance Committee**.

By Senators Cowell; and Malone:

S.B. 610, A BILL TO BE ENTITLED AN ACT TO PROVIDE WAKE COUNTY WITH ADDITIONAL REVENUE OPTIONS.

Referred to the **Finance Committee**.

By Senator Weinstein:

S.B. 611, A BILL TO BE ENTITLED AN ACT TO RECODIFY THE LAWS COVERING SERVICE AGREEMENTS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Weinstein:

S.B. 612, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HOKE COUNTY TO LEVY AN EXCISE TAX ON CONVEYANCES OF INTEREST IN REAL PROPERTY.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 613, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

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By Senator Hartsell:

S.B. 614, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO PROPERTY TAX, RETIREMENT SYSTEM, AND OTHER STATUTES RELATING TO THE NORTH CAROLINA STATE ART SOCIETY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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

By Senator Hartsell:

S.B. 615, 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 Preston:

S.B. 616, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF RIVER BEND TO ANNEX UNDER GENERAL LAW.

Referred to the **Finance Committee**.

By Senator Goodall:

S.B. 617, A BILL TO BE ENTITLED AN ACT EXEMPTING VEHICLES USED FOR CARPOOLING BY MECKLENBURG COUNTY EMPLOYEES AND NONEMPLOYEES FROM THE PROVISIONS OF G.S. 14-247.

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

By Senator Goodall:

S.B. 618, A BILL TO BE ENTITLED AN ACT TO VALIDATE ACTION TAKEN BY THE BOARD OF COMMISSIONERS OF UNION COUNTY TO RESCIND A GRANT OF EXTRATERRITORIAL JURISDICTION TO THE VILLAGE OF WESLEY CHAPEL.

Referred to the **Finance Committee**.

By Senator Goodall:

S.B. 619, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE AN ADDITIONAL SUPERIOR COURT JUDGE FOR SUPERIOR COURT DISTRICT 20B SOONER THAN CURRENTLY AUTHORIZED AND TO PROVIDE ADDITIONAL COURT PERSONNEL FOR DISTRICT 20B.

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

By Senator Jones:

S.B. 620, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF LEWISTON WOODVILLE TO BORROW MONEY FROM THE COUNTY OF BERTIE FOR THE PURPOSE OF REPAYING THE INTERNAL REVENUE SERVICE.

Referred to the **Finance Committee**.

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By Senator Jones:

S.B. 621, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE ECONOMIC GROWTH IN RURAL NORTH CAROLINA BY EXPANDING THE SMALL TOWNS ECONOMIC PROSPERITY PROGRAM AND INCENTIVES TO REUSE AND RENOVATE VACANT BUILDINGS AND TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER, INC., FOR THE SMALL TOWNS ECONOMIC PROSPERITY PROGRAM AND THE BUILDING REUSE PROGRAM.

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

By Senator Jones:

S.B. 622, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER, INC., TO EXPAND THE COMMUNITY DEVELOPMENT CORPORATIONS GRANTS PROGRAM.

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

By Senator Jones:

S.B. 623, 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 Jones:

S.B. 624, A BILL TO BE ENTITLED AN ACT PROVIDING THAT GATES COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

Referred to the **Finance Committee**.

By Senator Jones:

S.B. 625, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR WEED CONTROL AT LAKE GASTON.

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

By Senator Jones:

S.B. 626, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISIONS IN BERTIE COUNTY.

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

By Senators Queen and Snow:

S.B. 627, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY A ONE-HALF CENT LOCAL SALES AND USE TAX FOR COMMUNITY COLLEGE CAPITAL OUTLAY PURPOSES.

Referred to the **Finance Committee**.

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By Senator Queen:

S.B. 628, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT CAMPUS INFRASTRUCTURE AND FACILITY IMPROVEMENTS AT THE PENLAND SCHOOL OF CRAFTS.

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

By Senators Nesbitt and Apodaca:

S.B. 629, A BILL TO BE ENTITLED AN ACT TO REVISE THE TERMS OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AS REQUESTED BY THE HOUSING AUTHORITY.

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

By Senator Nesbitt:

S.B. 630, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA ARBORETUM TO ESTABLISH A CAMPUS LAW ENFORCEMENT AGENCY.

Referred to the **Judiciary I Committee**.

By Senators Nesbitt and Apodaca:

S.B. 631, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF ASHEVILLE OR TO THE TOWN OF WOODFIN CERTAIN DESCRIBED PROPERTY SURROUNDED BY THE CORPORATE LIMITS OF ASHEVILLE AND WOODFIN.

Referred to the **Finance Committee**.

By Senator Nesbitt:

S.B. 632, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW ESTABLISHING THE BLACK MOUNTAIN ADVANCEMENT CENTER FOR WOMEN.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Swindell; Boseman, Malone, Queen and Stevens:

S.R. 633, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

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

By Senators Albertson; Allran, Boseman, Clodfelter, Dannelly, Hoyle, Malone, Queen, Soles, Swindell and Weinstein:

S.B. 634, A BILL TO BE ENTITLED AN ACT TO GROW A RENEWABLE AND ENERGY-EFFICIENT ECONOMY IN NORTH CAROLINA (GREEN) BY ESTABLISHING A GREEN BUSINESS FUND TO BE ADMINISTERED BY THE STATE ENERGY OFFICE TO PROVIDE SEED GRANTS TO ENCOURAGE THE DEVELOPMENT OF NORTH CAROLINA'S GREEN ECONOMY.

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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 Cowell; Kinnaird and Nesbitt:

S.B. 635, A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Berger of Franklin:

S.B. 636, A BILL TO BE ENTITLED AN ACT AUTHORIZING GRANVILLE COUNTY TO IMPOSE IMPACT FEES ON NEW DEVELOPMENT WITHIN THAT COUNTY.

Referred to the **Finance Committee**.

By Senator Jenkins:

S.B. 637, 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. 638, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FRIENDS OF AGRICULTURE TO CREATE NEW PATHWAYS OF COMMUNITY INVOLVEMENT WITH AGRICULTURE, AGRIBUSINESS, AND THE FUTURE FARMERS OF AMERICA, IN NORTH CAROLINA.

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

By Senator Jenkins:

S.B. 639, 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. 640, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENABLE WOW E-COMMUNITY DEVELOPMENT CORPORATION TO IMPLEMENT AND ESTABLISH A TWO-YEAR PILOT PROGRAM THAT WOULD ALLOW THE WINDOWS ON THE WORLD TECHNOLOGY CENTER TO BECOME THE NORTHEASTERN NORTH CAROLINA REGIONAL TECHNOLOGY RESOURCE CENTER FOR INDIGENT RURAL LOW-WEALTH COMMUNITIES THROUGH DIRECT ENGAGEMENT.

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

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By Senator Clodfelter:

S.B. 641, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN COUNTIES TO ADOPT ORDINANCES REGULATING SMOKING IN PUBLIC PLACES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Hoyle (By Request):

S.B. 642, A BILL TO BE ENTITLED AN ACT TO REMOVE DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MCADENVILLE AND ANNEX IT TO THE TOWN OF CRAMERTON, IF APPROVED BY THE GOVERNING BOARDS OF THOSE TWO TOWNS.

Referred to the **Finance Committee**.

By Senators Dannelly; and Clodfelter:

S.B. 643, A BILL TO BE ENTITLED AN ACT AUTHORIZING POLITICAL SUBDIVISIONS OF THE STATE TO ACCEPT BIDS FROM UNLICENSED GENERAL CONTRACTORS WHEN THE PROJECT IS FINANCED WITH FEDERAL TRANSIT FUNDS AND THE FEDERAL LAW REQUIRES ONLY THAT GENERAL CONTRACTORS MUST BE LICENSED BY THE TIME THE LOCAL GOVERNING BOARD AWARDS THE CONTRACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Dannelly and Clodfelter:

S.B. 644, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO DETERMINE WHETHER THE COMPETITIVE PROPOSAL METHOD IS APPROPRIATE FOR PUBLIC TRANSIT PURCHASES AND PROVIDING THAT THE CITY MAY LET CONTRACTS FOR THE ACQUISITION OR MAINTENANCE OF TRANSIT EQUIPMENT OR FACILITIES IN THE MANNER PRESCRIBED BY THE FEDERAL GOVERNMENT WHEN THE PROJECT IS FUNDED IN WHOLE OR IN PART WITH FEDERAL FUNDS.

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

By Senator Albertson:

S.B. 645, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SAMPSON COUNTY TO LEVY A ROOM OCCUPANCY TAX.

Referred to the **Finance Committee**.

By Senator Albertson:

S.B. 646, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE STUDY OF WATERFRONT ACCESS ISSUES.

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

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By Senator Apodaca:

S.B. 647, A BILL TO BE ENTITLED AN ACT TO PROVIDE IN BUNCOMBE COUNTY FOR REFERENDA ON ANNEXATIONS IF REQUESTED BY RESIDENTS OF THE AREA TO BE ANNEXED, AND TO GENERALLY PROHIBIT SUBDIVISIONS FROM BEING DIVIDED DURING AN INVOLUNTARY ANNEXATION.

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

By Senator Apodaca:

S.B. 648, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BILTMORE FOREST TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

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

By Senator Apodaca:

S.B. 649, A BILL TO BE ENTITLED AN ACT TO REPEAL EXEMPTIONS FROM A LOCAL ACT LIMITING HEIGHT OF BUILDINGS IN THE CITY OF HENDERSONVILLE.

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

By Senator Apodaca:

S.B. 650, A BILL TO BE ENTITLED AN ACT TO PROVIDE IN POLK COUNTY FOR REFERENDA ON ANNEXATIONS IF REQUESTED BY RESIDENTS OF THE AREA TO BE ANNEXED AND TO GENERALLY PROHIBIT SUBDIVISIONS FROM BEING DIVIDED DURING AN INVOLUNTARY ANNEXATION.

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

By Senators Dorsett and Hagan:

S.B. 651, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

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

By Senator Purcell:

S.B. 652, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

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

By Senators Forrester; Allran, Atwater, Brunstetter, Goodall, Hartsell, Jones and Stevens:

S.B. 653, A BILL TO BE ENTITLED AN ACT CREATING A FUND TO PROVIDE A DEATH BENEFIT FOR MEMBERS OF THE NORTH

CAROLINA NATIONAL GUARD KILLED IN THE LINE OF DUTY AND TO PROVIDE A FREE HIGHER EDUCATION FOR QUALIFIED DEPENDENTS OF THOSE MEMBERS.

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

By Senator Dalton:

S.B. 654, A BILL TO BE ENTITLED AN ACT AUTHORIZING RUTHERFORD COUNTY TO CONDUCT AN ADVISORY REFERENDUM ON A HIGH IMPACT LAND-USE ORDINANCE.

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

By Senators Swindell; Albertson, Allran, Apodaca, Atwater, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goss, Hagan, Hartsell, Hoyle, Malone, Nesbitt, Purcell, Queen, Rand, Shaw, Smith, Soles, Stevens, Tillman and Weinstein:

S.B. 655, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA ARTS COUNCIL.

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

By Senator Kinnaird:

S.B. 656, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO DESIGN AND ORGANIZE A MAJOR CAPITAL CAMPAIGN TO CONSTRUCT A NEW MULTIDISCIPLINARY FACILITY TO REPLACE THE ARTSCENTER IN THE TOWN OF CARRBORO.

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

By Senators Dannelly and Lucas:

S.B. 657, A BILL TO BE ENTITLED AN ACT TO ENACT THE OMNIBUS CIVIL RIGHTS ACT.

Referred to the **Judiciary II Committee**.

By Senators Rand; Hoyle, Soles and Weinstein:

S.B. 658, A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA FOR THE ASSESSMENT OF BANKS AND STATE TRUST COMPANIES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Rand; Bingham, Clodfelter, Dannelly, Dorsett, Garrou, Goss, Hoyle, Jones, Malone, Purcell, Snow and Swindell:

S.B. 659, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ELECTED OFFICIALS WHO ARE MEMBERS OF THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, OR THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM SHALL FORFEIT THEIR PENSIONS UPON

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CONVICTION OF A STATE OR FEDERAL OFFENSE INVOLVING PUBLIC CORRUPTION OR A FELONY VIOLATION OF ELECTION LAWS.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 660, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE APPOINTMENT OF PUBLIC DEFENDERS BY THE COMMISSION ON INDIGENT DEFENSE SERVICES AND TO PROVIDE FOR SUSPENSION OR REMOVAL OF A PUBLIC DEFENDER BY A TWO-THIRDS VOTE OF THE COMMISSION ON INDIGENT DEFENSE SERVICES.

Referred to the **Judiciary I Committee**.

By Senator Purcell:

S.B. 661, A BILL TO BE ENTITLED AN ACT TO AMEND ALCOHOLIC BEVERAGE CONTROL ELECTION LAWS TO ALLOW CITIES WHICH ARE LOCATED IN MORE THAN ONE COUNTY TO HAVE A CITYWIDE ELECTION FOR MIXED BEVERAGES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Purcell; and Forrester:

S.B. 662, A BILL TO BE ENTITLED AN ACT REQUIRING PERSONS USING NON-ABLATIVE TREATMENT IN THE PRACTICE OF MEDICINE TO BE SUPERVISED BY A PHYSICIAN LICENSED BY THE NORTH CAROLINA MEDICAL BOARD.

Referred to the **Health Care Committee**.

By Senators Purcell; Atwater and Snow:

S.B. 663, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO PROVIDE A RATE INCREASE FOR HOME CARE SERVICES IN AN EFFORT TO CONTINUE TO MEET THE COST OF PROVIDING QUALITY SERVICES AND TO ALLOW ADEQUATE SALARY INCREASES FOR DIRECT CARE WORKERS THEREBY INCREASING EMPLOYEE RETENTION AND QUALITY OF CARE.

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

By Senator Boseman:

S.B. 664, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A SOCIAL-EMOTIONAL CURRICULUM IN THE PUBLIC SCHOOLS AND PRESCHOOL PROGRAMS AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

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

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By Senator Berger of Franklin:

S.B. 665, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A GRANT PROGRAM TO RENOVATE FORMER SCHOOL BUILDINGS FOR USE BY LOWER INCOME COMMUNITIES.

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

By Senator Garrou:

S.B. 666, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN EXPANSION OF THE MEMBERSHIP OF THE NORTH CAROLINA INSTITUTE OF MEDICINE.

Referred to the **Health Care Committee**.

By Senators Garrou; and Brunstetter:

S.B. 667, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN WHOLESALE DEALERS TO REQUEST RELIEF FROM PAYMENT OF EXCISE TAXES ON OTHER TOBACCO PRODUCTS.

Referred to the **Finance Committee**.

By Senators Cowell; Albertson, Atwater, Berger of Franklin, Brock, Dalton, Foriest, Garrou, Goss, Graham, Hartsell, Jones, Kinnaird, Malone, Nesbitt, Pittenger, Purcell, Queen, Snow, Stevens and Swindell:

S.B. 668, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 12 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON EDUCATION OF STUDENTS WITH DISABILITIES TO ADD A PROTECTION FOR CHILDREN NOT DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.

Referred to the **Education/Public Instruction Committee**.

H.B. 21, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS.

Referred to the **Judiciary I Committee**.

H.B. 24 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC FROM THE HEALTH RISKS OF SECONDHAND SMOKE BY PROHIBITING SMOKING IN BUILDINGS OWNED, LEASED, OR OCCUPIED BY STATE GOVERNMENT; AND TO AUTHORIZE

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LOCAL GOVERNMENTS TO REGULATE SMOKING IN BUILDINGS AND TRANSPORTATION VEHICLES OWNED, LEASED, OR OCCUPIED BY LOCAL GOVERNMENT AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 46 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETERMINE WHETHER SECURITY GUIDELINES ARE NEEDED FOR DOMESTIC VIOLENCE SHELTERS OPERATED BY STATE-FUNDED AGENCIES AND TO PROVIDE, WHERE FEASIBLE, SECURE AREAS FOR DOMESTIC VIOLENCE VICTIMS TO AWAIT HEARING OF THEIR COURT CASE AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

Referred to the **Judiciary I Committee**.

H.B. 123, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE HEALTH DIRECTOR TO SHARE EMERGENCY DEPARTMENT DATA WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) FOR PUBLIC HEALTH PURPOSES.

Referred to the **Health Care Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 8:12 P.M.

TWENTY-EIGHT DAY

Senate Chamber
Tuesday, March 13, 2007

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, based on the number of bills introduced in recent days, the Members will soon be pulled in many different directions by well-intentioned people, by busy schedules and by personal commitments. Remind the Senators early on for the sake of their health and well-being that it is just impossible to be everywhere at once and all things to all people. That is just not the way you have made us. Instead, allow them to be good stewards of the unique gifts with which you have blessed them. That is all you or anyone can ask of them. Amen."

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Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, March 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Thomas Eisenhauer from Hendersonville, 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 Numbers, and presented to the Office of the Secretary of State:

H.B. 33, AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR CATAWBA COUNTY AS TO THE CONSTRUCTION OF CERTAIN LANDFILLS IN THAT COUNTY. (Became law upon ratification, March 12, 2007 - S.L. 2007-1.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 4, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SHERIFFS TO INSPECT PRESCRIPTION PROFILES AND STOCKS OF CONTROLLED SUBSTANCES, with a favorable report.

S.B. 34, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO KILL A LAW ENFORCEMENT OR ASSISTANCE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A LAW ENFORCEMENT OR ASSISTANCE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICIAL DUTIES, with a favorable report.

CALENDAR

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

S.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST GASTON AND LINCOLN COUNTIES IN RESOLVING THEIR COMMON BOUNDARY BY ALLOWING THEM TO VARY FROM THE LINE ESTABLISHED BY THE 1963 GENERAL ASSEMBLY TO RECOGNIZE HISTORICAL PRACTICE, upon third reading.

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The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

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

S.B. 16 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 56, A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.J.R. 194, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS, with a favorable report.

ADDITIONAL SPONSORS

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

S.B. 593, A BILL TO BE ENTITLED AN ACT TO REINSTATE GOALS FOR PARTICIPATION BY MINORITY AND WOMEN BUSINESSES IN CERTAIN CONTRACTS LET BY THE DEPARTMENT OF TRANSPORTATION.

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

S.J.R. 674, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM PEACE, FOUNDER OF PEACE COLLEGE.

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

S.J.R. 674, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM PEACE, FOUNDER OF PEACE COLLEGE.

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

S.J.R. 674, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM PEACE, FOUNDER OF PEACE COLLEGE.

Upon motion of Senator Basnight, seconded by Senator Apodaca, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet Wednesday, March 14, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Apodaca:

S.B. 669, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A PUBLIC DEFENDER'S OFFICE IN DISTRICT 29B.

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

By Senator Cowell:

S.B. 670, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS, COVENANTS, AND OTHER SIMILAR AGREEMENTS CANNOT PROHIBIT OR HAVE THE EFFECT OF PROHIBITING THE INSTALLATION OF ENERGY DEVICES THAT ARE BASED ON THE USE OF RENEWABLE RESOURCES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Cowell:

S.B. 671, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,

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DIVISION OF PUBLIC HEALTH, FOR ALLOCATION TO PARTICIPATING COUNTIES FOR THE "EAT SMART...MOVE MORE HEALTH INITIATIVE."

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

By Senator Jacumin:

S.B. 672, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE OUTDOOR DRAMA, "FROM THIS DAY FORWARD."

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

By Senator Cowell:

S.B. 673, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE DUAL REGISTRATION PLATES FOR VEHICLES AND FOR REGISTERED OWNERS TO DISPLAY BOTH REGISTRATION PLATES ON THE VEHICLE, ONE IN THE REAR AND ONE ON THE FRONT.

Referred to the **Transportation Committee**.

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

S.B. 675, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE OFFENSE OF TAKING INDECENT LIBERTIES WITH CHILDREN AND FOR THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A STUDENT WHEN THE OFFENDER IS A TEACHER, SCHOOL ADMINISTRATOR, OR OTHER SCHOOL PERSONNEL AT LEAST FOUR YEARS OLDER THAN THE VICTIM.

Referred to the **Judiciary I Committee**.

By Senator Berger of Franklin:

S.B. 676, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO BRING AN ACTION IN SUPERIOR COURT FOR REVIEW OF COMPLIANCE WITH A CERTIFICATE OF NEED.

Referred to the **Health Care Committee**.

By Senators Berger of Franklin; Dannelly and Malone:

S.B. 677, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES.

Referred to the **Judiciary II Committee**.

By Senators Berger of Franklin; and Snow:

S.B. 678, A BILL TO BE ENTITLED AN ACT TO ELECT DISTRICT COURT JUDGES AT THE TIME OF THE PRIMARY ELECTION, WITH A RUNOFF IF NEEDED AT THE TIME OF THE SECOND PRIMARY, SO AS TO REDUCE THE LENGTH OF THE GENERAL ELECTION BALLOT.

Referred to the **Judiciary II Committee**.

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By Senators Hoyle; Apodaca, Jenkins, Swindell and Weinstein:

S.B. 679, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE EXISTING ENVIRONMENTAL MANAGEMENT COMMISSION AND REPLACE IT WITH A NEW, FULL-TIME ENVIRONMENTAL MANAGEMENT COMMISSION MODELED ON THE UTILITIES COMMISSION; TO IMPROVE EFFICIENCY, COMMUNICATION, AND COORDINATION WITHIN STATE GOVERNMENT IN THE DEVELOPMENT AND IMPLEMENTATION OF ENVIRONMENTAL AND NATURAL RESOURCES POLICY AND TO REDUCE COSTS BY ELIMINATING THE FOLLOWING AGENCIES AND CONSOLIDATING THEIR POWERS, DUTIES, AND FUNCTIONS IN THE NEW ENVIRONMENTAL MANAGEMENT COMMISSION: (1) THE COASTAL RESOURCES COMMISSION, (2) THE EXISTING ENVIRONMENTAL MANAGEMENT COMMISSION, (3) THE MARINE FISHERIES COMMISSION, (4) THE MINING COMMISSION, (5) THE RADIATION PROTECTION COMMISSION, (6) THE SEDIMENTATION CONTROL COMMISSION, (7) THE SOIL AND WATER CONSERVATION COMMISSION, (8) THE WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION, (9) THE WATER TREATMENT FACILITY OPERATORS BOARD OF CERTIFICATION, AND (10) THE WELL CONTRACTORS CERTIFICATION COMMISSION; TO TRANSFER RULE-MAKING RESPONSIBILITY UNDER THE FOLLOWING ARTICLES OF CHAPTER 130A OF THE GENERAL STATUTES FROM THE COMMISSION FOR HEALTH SERVICES TO THE NEW ENVIRONMENTAL MANAGEMENT COMMISSION: ARTICLE 9 (SOLID WASTE MANAGEMENT), ARTICLE 10 (DRINKING WATER ACT), AND ARTICLE 11 (WASTEWATER SYSTEMS); AND TO MAKE CONFORMING STATUTORY AND BUDGET CHANGES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Hoyle; Albertson, Hunt and Swindell:

S.B. 680, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN TELECOMMUNICATIONS STATUTES TO REFLECT THE CHANGING COMPETITIVE MARKETPLACE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Hoyle:

S.B. 681, A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FOR PERSONS SERVING ON LOCAL BOARDS OF TRUSTEES OF THE FIREMEN'S RELIEF FUND OF NORTH CAROLINA.

Referred to the **Judiciary I Committee**.

By Senators Swindell; Atwater and Tillman:

S.B. 682, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENSURE THAT CHILD NUTRITION PROGRAMS

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OPERATING IN NORTH CAROLINA'S PUBLIC SCHOOLS HAVE ADEQUATE FUNDS TO IMPLEMENT THE NUTRITION STANDARDS IN ELEMENTARY SCHOOLS AS ADOPTED BY THE STATE BOARD OF EDUCATION.

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

By Senators Swindell; and Jenkins:

S.B. 683, A BILL TO BE ENTITLED AN ACT TO ADD WESLEYAN COLLEGE TO 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**.

By Senators Kinnaird; Albertson, Allran, Apodaca, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dorsett, East, Foriest, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Malone, Nesbitt, Preston, Purcell, Queen, Shaw, Stevens, Swindell, Tillman and Weinstein:

S.B. 684, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FUNDING FOR THE STATEWIDE SPAY AND NEUTER PROGRAM FROM THE SALE OF RABIES VACCINATION TAGS.

Referred to the **Finance Committee**.

By Senator Kinnaird:

S.B. 685, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SIGNATURE OF THE PATIENT OR THE PATIENT'S PARENT, GUARDIAN, OR REPRESENTATIVE ON "DO NOT RESUSCITATE" ORDER FORMS.

Referred to the **Judiciary I Committee**.

By Senator Kinnaird:

S.B. 686, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR NEW PRETRIAL SERVICES PROGRAMS.

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

By Senators Kinnaird; Berger of Franklin and Cowell:

S.B. 687, 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 THE TASC PROGRAM.

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

By Senators Kinnaird; Berger of Franklin, Cowell and Snow:

S.B. 688, 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**.

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By Senators Kinnaird; Berger of Franklin and Purcell:

S.B. 689, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADOPT A POLICY ALLOWING A CERTAIN INCOME DISREGARD UNDER THE MEDICAID PROGRAM.

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

By Senators Clodfelter; Dannelly, Graham and Hartsell:

S.B. 690, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW AUTHORIZING METHODS OF COLLECTING FINES AND FEES OWED BY OFFENDERS AND TO PROVIDE FOR BEST PRACTICES IN THE COLLECTION OF OUTSTANDING FINES AND FEES BY THE COURTS.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; Dannelly and Graham:

S.B. 691, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT OFFICERS OF THE CHARLOTTE-MECKLENBURG POLICE DEPARTMENT MAY ARREST PERSONS ANYWHERE IN THE STATE FOR OFFENSES COMMITTED WITHIN THE DEPARTMENT'S TERRITORIAL JURISDICTION.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; and Rand:

S.B. 692, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOXING ADVISORY COMMISSION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Clodfelter; and Hartsell:

S.B. 693, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECIPROCAL ATTORNEYS' FEES PROVISIONS IN BUSINESS CONTRACTS ARE VALID AND ENFORCEABLE UNDER STATE LAW.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; and Kinnaird:

S.B. 694, A BILL TO BE ENTITLED AN ACT TO CLARIFY STANDARDS FOR CODE-ENFORCEMENT OFFICIALS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Clodfelter; Hoyle and Kinnaird:

S.B. 695, A BILL TO BE ENTITLED AN ACT TO ADOPT THE INTERNATIONAL BUILDING CODE AS THE STATE BUILDING CODE AND TO EXPEDITE DECISIONS OF THE BUILDING CODE COUNCIL.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senators Clodfelter; Hartsell, Kinnaird and Rand:

S.B. 696, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN A CRIMINAL CASE HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; Cowell, Dannelly, Garrou, Graham and Kinnaird:

S.B. 697, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DRUG TREATMENT COURTS.

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

By Senators Clodfelter; Hartsell and Kinnaird:

S.B. 698, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A TRAVEL ALLOWANCE FOR APPELLATE JUDGES WHO RESIDE FIFTY MILES OR MORE FROM RALEIGH.

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

By Senators Clodfelter; Berger of Franklin, Cowell, Dannelly, Graham and Kinnaird:

S.B. 699, A BILL TO BE ENTITLED AN ACT AMENDING THE LABOR LAWS OF NORTH CAROLINA TO PROVIDE FOR MANDATORY LUNCH BREAKS FOR EMPLOYEES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Clodfelter; Hartsell, Kinnaird and Rand:

S.B. 700, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SUPREME COURT WITH THE AUTHORITY TO REVISE THE RULES OF CIVIL AND CRIMINAL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY.

Referred to the **Judiciary I Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 93, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY ISSUES RELATING TO INDIVIDUALS BEING TRANSPORTED IN VEHICLES WHILE SEATED IN WHEELCHAIRS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Transportation Committee**.

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H.B. 217, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CORNELIUS AND DAVIDSON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

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

H.B. 303, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF NEW BERN TO REQUIRE A PERMIT PRIOR TO DEMOLITION OF A CONTRIBUTING STRUCTURE WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT.

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

H.B. 406, A BILL TO BE ENTITLED AN ACT TO ADOPT THE AYDEN COLLARD FESTIVAL AS THE OFFICIAL COLLARD FESTIVAL OF THE STATE OF NORTH CAROLINA.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:48 P.M.

TWENTY-NINTH DAY

Senate Chamber
Wednesday, March 14, 2007

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, forgive us for the times we flinch when the going gets tough. We choose to play it safe. We sacrifice what we really believe in for what we can live with. But, God, you believe in our potential for more than we do. When your call is clear a fire burns in our bones. Give us the courage and conviction not to play it safe, but to risk everything. That's what faith is all about. Amen."

The Chair grants leaves of absence for today to Senator Clodfelter and Senator Smith.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, March 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The Chair extends privileges of the floor to Dr. D.E. Ward from Lumberton, North Carolina, who is serving the Senate as Doctor of the Day, and to Jolene Spencer from Washington, North Carolina, who is serving the Senate as Nurse of the Day.

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces the appointment of Senator Goodall, Chair; Senator Pittenger; Senator Graham; and Senator Dannelly as the Committee to escort the Independence High School Football Team to the Well of the Senate.

CALENDAR

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

S.J.R. 253, A JOINT RESOLUTION HONORING INDEPENDENCE HIGH SCHOOL ON HAVING AN OUTSTANDING FOOTBALL TEAM AND HONORING THE MEMORY OF DEVIN HOWARD.

Upon motion of Senator Rand S.J.R. 253 is taken up out of its regular order of business and placed before the Senate for immediate consideration.

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

Senator Goodall:

“Gentlemen, when I say debate the resolution don’t worry. We are going to pass this resolution. That is just a term we use. Since my seatmate is not here today, I’m going to mention that we had Wake Forest in here last week and they had won eleven games and Senator Smith talked for, I think, about thirty-three minutes or about three minutes per game. This team has won one hundred and eight games. To you players, I can’t imagine how proud you must be to wear the colors of Independence. It is a tremendous tradition and those of you returning for another year, there is nothing I can do to motivate you. The bar is set so high already that you have your hands full. I am proud to say that I have two children who went to Independence. One is at Duke Graduate School and he has been there awhile, but he is working his way through. But Independence did a good job for us. Of course, Independence is part of the Charlotte-Mecklenburg School system, headed by our still new superintendent, Dr. Peter Gorman. Just a little bit about Independence High School and the academics which are extremely important. Independence has an Academy for International Studies Program, a Career in Technical Education Department, a Bio-Medical Academy, an Informational Technology Academy and English as a Second Language Program. The school offers Microsoft certification classes, Junior ROTC, and it is strong in its International Trade and Marketing Programs there.

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The school has a global focus and exchanges to and from Italy, China, France, and Germany. I want to take a second, and they will be recognized in a minute, to say thank you for the family of Devon Howard, the parents. Devon was an all-state performer and left a great legacy at Independence High School. Lastly, let me just say that the life lessons that you learn from sports, you know sometimes there is a debate in the public about athletics in high school and the costs of athletics and whether or not we should continue sports, but I know that the lessons you learn on that football field are just as valuable as some of the lessons you learn in the classroom and they will go with you always. We always encourage young men and women that come before this Body to consider public service at sometime in your career down the road and maybe even some of you will be sitting in chairs facing the other direction someday, so we hope you come back. Thank you, Madame President.”

Senator Graham:

“I, too, would like to lend my voice in saluting the Independence Patriots High School football team. Seven straight State Championships, one hundred and eight straight victories. This is an impressive feat! I have two children in the Charlotte-Mecklenburg School System. They are not high school students yet, but they encouraged me to attend my first Independence game this past fall when they played Butler in the playoffs. Eighteen people were in attendance and it was a college atmosphere. The team was well-disciplined on the field, as well as off the field. They won with pride and dignity and they didn’t rub it into the opponent’s face. They are a class act. They represent the City of Charlotte, Mint Hill, and the State of North Carolina in an extraordinary fashion. I was most impressed when we had an opportunity to meet with the players this morning at the roll call of schools that they will be attending next fall, Elizabeth City State, Fayetteville State, UNC-Chapel Hill, Yale, etc. Not only are these guys good football players, but they are also good students. We also would like to uphold the memory of Devon Howard, who also played on the Independence Football Team. We encourage the guys to continue to be good on the football field, but more importantly, to stress academics in their day-to-day lives. Congratulations and go Patriots!”

Senator Pittenger:

“I just congratulate each of you today. What a tremendous honor this is that you have brought to Charlotte. We have just been euphoric over watching you over the last few years and this year you captured the imagination of each of us in terms of achievements that you have accomplished and, of course, the press loves you. We all would like to have the kind of press that you guys get, but you have been remarkable. Not only was it said that you are great athletes, but the school is remarkable in terms of its academics. The students have come very uniquely from thirty-seven countries and fifty-four languages are spoken so Coach Knotts, you have your work cut out for you. I do thank you for the tribute that you have brought to our State, our region, and I just appreciate the dedication that you have given and the discipline that you have performed will

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carry you the rest of your life. Maintain that same focus and you will find that what you put into life is what you will get out of it in every respect. Thank you and God bless you.”

Senator Brock:

“Well, each year we take about a thousand votes in here and this will be one of the toughest votes that I will have to make. See, I went to Davie County High School, which you all have knocked out of the playoffs the last two years. You know, those are some of the best teams we have ever had and you all took care of them in a pretty handily manner. I just want to say that you guys did such a great job, not only on the field in executing the plays, but your fans and your family in the stands were warm and gracious to us. Something we look forward to playing you, hopefully, again next year. It will be a good game once again for us at least for one half. But again, thank you all for what you bring to the State and if we were to lose to you guys again, hopefully not, but if we were to lose like the last two years, not only was it to the best team in the State, but it was the best team in the Nation. Despite what the other polls say, you all are the number one team in the Nation and until someone beats you, you are on top. Again, congratulations.”

Senator Dannelly:

“Ladies and gentlemen of the Senate, maybe just a little history about Independence. The first year Independence was open it was opened with two other schools as an experimental ... system school, Devonshire Elementary, under the principalship of Dr. Joe Brooks and Albemarle Road Junior High School, where I was an assistant Principal at that time under the principalship of Dr. Jack Blackburn, an expert in Junior High School education, who Charlotte-Mecklenburg hired from the University of North Carolina Education Department, and Independence under the late Dr. Sam Haywood who was quite a principal and who set the standard, I believe, for Independence’s future. I am proud to support this resolution, but at this point I am really glad that Coach Knotts decided that Duke wasn’t his place and that Independence was the place to be. He came back and took up the mantle and continued the tradition of winning and you young men sitting here in this Chamber today, you are the future. I know your coach and he has instilled in you manhood, scholarship and service to your community. That is what helped you become champions and he has made champions out of you. We are proud of you, not only Davie County, but the entire State is proud of what you young men have done. You see, we all know that you would not be a member of the team unless you were really academically qualified. So I want to thank you and particularly the coaches and all the teachers at Independence who played a role in this magnificent accomplishment. I urge you to support this resolution. Thank you very much.”

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

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The players and coaches stand and introduce themselves as follows: Tjamel Hamlin; Robert Cochran; Darryl McFadden; Kenny High; Marty Evans; Travon Cordova; Andrell Payne; Darnell Forrest; Adam Irving; Jerlando Kasey; Dequan Leak; Willie Vaughn; Shawnte Sims; Sanchez Burris; Willie Simmons; Terry Jones; D'Angelo Boular; Karston Grant; Dewitt Dixon; Josh White; Kyle Watts; Josh Bowman; DeShon Williams; Jason Barnes; Markee Watts; Justin McFadden; Shannon Andrews; Devonte Holloman; Robbie Ward; Jevon Rembert; Brett Lilly; Eric Thompson; Ty Biergerl; Makiri Pugh; Freddie Mungo; Lawrence Williams; Kelly Lewis, Athletic Director; Tom Knotts, Head Coach; Bill Geiler, Assistant Coach; and Hal Brown, Assistant Coach.

The Chair extends the privileges of the floor to Trina and Fred Howard; Robert Avossa, Chief of Staff for the Superintendent of Mecklenburg County Schools; Ted Biggers, Mayor of Mint Hill; Mickey Ellington, Town Commissioner; and Brian Welch, Town Manager.

The Chair extends the courtesies of the gallery to Teresa Oliver, Team Mom.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee**:

S.B. 167, A BILL TO BE ENTITLED AN ACT TO MAKE THE LEGISLATIVE INTERN PROGRAM AVAILABLE TO STUDENTS ENROLLED IN COMMUNITY COLLEGES THAT OFFER COLLEGE TRANSFER PROGRAMS AS WELL AS TO STUDENTS ENROLLED IN FOUR YEAR COLLEGES AND UNIVERSITIES, with a favorable report.

S.R. 633, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report.

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

S.B. 220, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ROANOKE RAPIDS AND THE TOWNS OF AHOSKIE AND WELDON, with a favorable report.

S.B. 284, A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF SANFORD TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE CITY'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE CITY'S SATELLITE CORPORATE LIMITS, with a favorable report.

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S.B. 398, A BILL TO BE ENTITLED AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD, with a favorable report.

S.B. 432, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE CITY OF GREENSBORO, with a favorable report.

S.B. 439, A BILL TO BE ENTITLED AN ACT EXTENDING THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF MAGNOLIA, with a favorable report.

S.B. 442, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CASWELL COUNTY TO LEVY A ROOM OCCUPANCY TAX, with a favorable report.

S.B. 443, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF YANCEYVILLE, with a favorable report.

S.B. 491, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS, with a favorable report.

S.B. 496, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PERQUIMANS COUNTY TO LEVY A ROOM OCCUPANCY TAX, with a favorable report.

By Senator Bingham for the **Health Care Committee**:

S.B. 474, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO SUPPORT THE PERINATAL QUALITY COLLABORATIVE OF NORTH CAROLINA, AS RECOMMENDED BY THE NORTH CAROLINA PEDIATRIC SOCIETY, with a favorable report.

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

ENROLLED BILLS AND RESOLUTIONS

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

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S.B. 50, AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO INVESTIGATE THE POTENTIAL FOR AGREEMENTS WITH OTHER STATES FOR THE RECIPROCAL HONORING OF HUNTING AND FISHING LICENSES FOR THE DISABLED.

CALENDAR (*continued*)

S.B. 4, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SHERIFFS TO INSPECT PRESCRIPTION PROFILES AND STOCKS OF CONTROLLED SUBSTANCES.

The bill passes its second reading (47-0).

Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, March 15, upon third reading.

S.B. 34, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO KILL A LAW ENFORCEMENT OR ASSISTANCE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A LAW ENFORCEMENT OR ASSISTANCE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICIAL DUTIES.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 194, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS.

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 674, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM PEACE, FOUNDER OF PEACE COLLEGE.

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 434, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF DENTON ON THE TOWN'S 100TH ANNIVERSARY.

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 Stevens, the remarks of Senator Bingham are spread upon the Journal, as follows:

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Senator Bingham:

“I’d like to say just a few comments. We had a celebration on Saturday, a wonderful parade, many old restored cars which the many talented folks in my area restored and we also had a large group of T-Models come in from Greensboro that were involved in this parade. The things that I’m going to say about Denton and, of course, we have our Mayor and City Council members sitting in the gallery, I just saw them come in and if you gentlemen would stand up, I would certainly appreciate it. Our Mayor Morris is a distant relative of our Chaplain here. Gentlemen, thank you for coming. It is a delight to have served with you. I want to just say a few things about our small town of Denton. It is approximately 1,300 people, but running the newspaper there we have a very rich history of loyalty and Americanism and the veterans that we have done stories on. We had one gentleman that was in the Death March at Baton. He survived that March and was later put on a ship that the Americans sank and he didn’t return to Denton. We also had three veterans who served on D-Day in World War II. We had two veterans who were captured at the Battle of the Bulge in World War II and were in German prisoner-of-war camps. We had another one who was captured and placed in a German prisoner-of-war camp. This period of time in Denton and in the history of Denton was noted for cross-ties and, of course, crossties at that time were cut with a cross-cut saw and chopped out and hewn with an ax. So you can imagine the strength and vitality of the young men that left the area to serve in World War II. Also, because of the hardships during the depression, we had many individuals who grew up on farms and had to make a living in whatever way they could, so we had gun-makers, furniture builders, bootleggers, and we had whatever it took to make ends meet during this time period and I’m very proud of it and it is a beautiful area. My dear friend who is not here with us today, Hamilton Horton, would come and visit and we would go to a small restaurant in Denton called the Classic and they had fried fatback. He loved that. So if any of you like fried fatback, I don’t know where you can get it in the State of North Carolina, but you can find it in Denton. Also, my great-great-grandfather was a buggy maker in the Denton area which is in the midst of the Uwharrie National Forest in the lake regions. Some of you have played golf at Uwharrie Point, the old North State Golf Club that is in this area. It is a beautiful area and I am so proud to be from there and there is so much loyalty and friendship among the people and America and North Carolina mean so much and you can see that in the veterans. Each week we have a long list of veterans who are serving now in Iraq and other places throughout the world. It is a very special occasion to me to be able to stand up and speak on behalf of Denton. I certainly appreciate each and every one of you allowing me to do this and I would encourage you to vote for this resolution. Thank you, Madame President.”

The joint resolution passes its second reading (44-0) and third reading with members standing and is ordered enrolled.

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The chair extends the courtesies of the gallery to The Honorable Scott Morris, Mayor of Denton; The Honorable Andy Morris, Mayor Pro Tem; and F.E. Isenhour Jr., Town Manager.

REMOVAL OF BILL CO-SPONSORS

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

S.B. 574, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS.

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

S.B. 44, A BILL TO BE ENTITLED AN ACT TO REMOVE THE EXCEPTION OF ALLOWING A CHILD TO BE OUT OF A CHILD SAFETY RESTRAINT SYSTEM WHILE THE CHILD'S PERSONAL NEEDS ARE BEING ATTENDED TO.

S.B. 574, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS.

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

S.B. 574, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS.

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

S.B. 574, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS.

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

S.B. 574, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS.

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

S.B. 574, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS.

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

S.B. 574, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS.

ADDITIONAL SPONSORS

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

S.B. 640, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENABLE WOW E-COMMUNITY DEVELOPMENT CORPORATION TO IMPLEMENT AND ESTABLISH A TWO-YEAR PILOT PROGRAM THAT WOULD ALLOW THE WINDOWS ON THE WORLD TECHNOLOGY CENTER TO BECOME THE NORTHEASTERN NORTH CAROLINA REGIONAL TECHNOLOGY RESOURCE CENTER FOR INDIGENT RURAL LOW-WEALTH COMMUNITIES THROUGH DIRECT ENGAGEMENT.

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

S.B. 459, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR THE NORTH CAROLINA HOUSING TRUST FUND.

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Upon motion of Senator Basnight, seconded by Senator Bingham, the Senate adjourns subject to introduction of bills, reading of messages from the House of Representatives and receipt of committee appointments, to meet Thursday, March 15, at 12:00 Noon.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Goodall; Apodaca, Berger of Franklin, Brock, Brown, Brunstetter, Cowell, Graham, Hartsell, Pittenger and Smith:

S.B. 701, 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 Senators Goodall; Apodaca, Berger of Rockingham, Blake, Brock, Brown, Forrester, Jacumin and Pittenger:

S.B. 702, A BILL TO BE ENTITLED AN ACT TO INCREASE PER PUPIL FUNDING IN PUBLIC SCHOOLS AND REDUCE THE BURDEN ON RAPIDLY GROWING COUNTIES OF CLASSROOM CONSTRUCTION BY ALLOWING AN INDIVIDUAL INCOME TAX CREDIT FOR PART OF THE EXPENSE OF EDUCATING CHILDREN VOLUNTARILY INCURRED BY PARENTS AND TO INCLUDE NONPUBLIC SCHOOL STUDENTS IN THE AVERAGE DAILY MEMBERSHIP OF LOCAL SCHOOL ADMINISTRATIVE UNITS.

Referred to the **Finance Committee**.

By Senators Goodall; Apodaca, Berger of Rockingham, Brock, Forrester, Jacumin and Pittenger:

S.B. 703, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INDIVIDUAL INCOME TAX CREDIT FOR PART OF THE EXPENSE OF AVOIDED PUBLIC EDUCATION AND TO AUTHORIZE COUNTIES TO APPROPRIATE FUNDS FOR CHILDREN EDUCATED OTHER THAN IN PUBLIC SCHOOLS.

Referred to the **Finance Committee**.

By Senators Goodall; Brock, Hunt, Pittenger, Smith and Tillman:

S.B. 704, A BILL TO BE ENTITLED AN ACT TO ALLOW ATTORNEYS' FEES AND COSTS OF COURT TO THE PROPERTY OWNER IN CONDEMNATION ACTIONS WHERE THE AMOUNT OF THE JUDGMENT EXCEEDS THE FUNDS DEPOSITED BY THE CONDEMNOR.

Referred to the **Judiciary II Committee**.

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By Senator Goss:

S.B. 705, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A FORESTRY SERVICE HEADQUARTERS IN ASHE COUNTY.

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

By Senators Purcell; Albertson, Atwater, Berger of Franklin, Dorsett, Jones, Kinnaird and Rand:

S.B. 706, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF RURAL HEALTH, FOR RECRUITMENT ACTIVITIES.

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

By Senators Purcell; Albertson, Atwater, Berger of Franklin, Dorsett, Jones, Kinnaird, Queen, Rand and Weinstein:

S.B. 707, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FEDERAL FUNDS UNDER THE TANF BLOCK GRANT FOR THE PREVENTION OF ADOLESCENT PREGNANCIES AND OUT-OF-WEDLOCK BIRTHS AND TO SUSTAIN PREVENTION PROGRAMS.

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

By Senators Purcell; Atwater, Dorsett, Jones, Kinnaird and Rand:

S.B. 708, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN ANNUAL LICENSE FEE FOR HOSPICES; TO REQUIRE INSPECTIONS OF HOSPICES EVERY THREE YEARS; AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUPPORT TWO FULL-TIME POSITIONS TO SURVEY ALL LICENSED HOSPICE PROVIDERS EVERY THREE YEARS.

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

By Senators Purcell; Albertson, Berger of Franklin and Dorsett:

S.B. 709, A BILL TO BE ENTITLED AN ACT ENCOURAGING THE PUBLIC SCHOOLS, THE COMMUNITY COLLEGE SYSTEM, AND THE UNIVERSITY OF NORTH CAROLINA TO OFFER AMERICAN SIGN LANGUAGE FOR CREDIT AS A MODERN FOREIGN LANGUAGE.

Referred to the **Education/Public Instruction Committee**.

By Senators Purcell; Albertson, Berger of Franklin, Jones, Kinnaird and Rand:

S.B. 710, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE UNIVERSAL CHILDHOOD IMMUNIZATION PROGRAM IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; PROVIDING FOR ASSESSMENT OF HEALTH INSURERS FOR THE PURCHASE, STORAGE, DISTRIBUTION, AND QUALITY ASSURANCE OF CERTAIN

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VACCINES; AND AUTHORIZING AN ADMINISTRATION FEE FOR PROVIDERS THAT ADMINISTER VACCINES.

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

By Senator Purcell:

S.B. 711, A BILL TO BE ENTITLED AN ACT 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 Senators Purcell; Albertson, Atwater, Berger of Franklin, Dorsett and Kinnaird:

S.B. 712, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO COVER EXTRA PRESCRIPTIONS DURING A STATE OF EMERGENCY OR DISASTER.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Garrou:

S.B. 713, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA INSTITUTE OF MEDICINE.

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

By Senators Garrou; and Brunstetter:

S.B. 714, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PIEDMONT TRIAD RESEARCH PARK.

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

By Senators Garrou; and Brunstetter:

S.B. 715, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WAKE FOREST UNIVERSITY HEALTH SCIENCES TO SUPPORT THE SOLDIER INSTITUTE FOR REGENERATIVE MEDICINE.

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

By Senators Albertson; Bingham, Hoyle, Kerr, Purcell and Snow:

S.B. 716, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE POULTRY PRODUCTS INSPECTION ACT.

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

By Senators Albertson; Bingham, Brock, Hoyle, Kerr, Purcell and Snow:

S.B. 717, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF ANIMAL EXHIBITIONS AT AGRICULTURAL FAIRS.

Referred to the **Judiciary I Committee**.

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By Senators Albertson; Goss, Kerr, Purcell and Snow:

S.B. 718, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ANNEX TRAINING FACILITY FOR JAMES SPRUNT COMMUNITY COLLEGE.

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

By Senators Weinstein, Malone; Atwater, Brown, Jacumin, Queen and Swindell:

S.B. 719, A BILL TO BE ENTITLED AN ACT CLARIFYING THAT EMPLOYEES OF THE NORTH CAROLINA COOPERATIVE EXTENSION SERVICE ARE EXEMPT FROM THE STATE PERSONNEL ACT.

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

By Senators Atwater; Albertson, Allran, Apodaca, Bingham, Blake, Boseman, Brunstetter, Clodfelter, East, Foriest, Forrester, Hagan, Hartsell, Jones, Kinnaird, Malone, Nesbitt, Rand, Snow, Soles, Stevens, Swindell and Tillman:

S.B. 720, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN OPEN ENROLLMENT PERIOD IN THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE LEGISLATIVE RETIREMENT SYSTEM.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Cowell:

S.B. 721, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT SCIENCE SAFETY MEASURES IN THE PUBLIC SCHOOLS.

Referred to the **Education/Public Instruction Committee**.

By Senator Garrou:

S.B. 722, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE ONE NORTH CAROLINA SMALL BUSINESS ACCOUNT OF THE ONE NORTH CAROLINA FUND.

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

By Senator Clodfelter:

S.B. 723, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR REGIONAL INFRASTRUCTURE INVENTORIES TO PROMOTE ECONOMIC DEVELOPMENT, COMMUNITY DEVELOPMENT, AND MORE EFFICIENT INFRASTRUCTURE INVESTMENTS IN REGIONS ACROSS THE STATE.

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

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By Senator Clodfelter:

S.B. 724, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ESTABLISH AND IMPLEMENT A SOFTWARE PROGRAM UPDATE FOR EMISSION INSPECTION COMPUTERIZED PROGRAMS THAT WILL PREVENT "CLEAN SCAN" REPORTS BEING ERRONEOUSLY SENT TO THE DIVISION.

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

By Senators Clodfelter; and Hartsell:

S.B. 725, A BILL TO BE ENTITLED AN ACT TO ENACT THE EYEWITNESS IDENTIFICATION REFORM ACT.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 726, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY IN GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION FOR LOCAL GOVERNMENT UNITS.

Referred to the **Finance Committee**.

By Senator Kinnaird:

S.B. 727, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE SENTENCE THAT MAY BE IMPOSED ON CERTAIN PERSONS CONVICTED OF A DRUG TRAFFICKING OFFENSE.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 728, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE MEDIATION IN DISTRICT CRIMINAL COURTS AND TO ESTABLISH A PROGRAM WITHIN THE DISPUTE RESOLUTION COMMISSION FOR THE CERTIFICATION OF MEDIATORS WORKING IN THE DISTRICT CRIMINAL COURTS.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 729, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADDITIONAL INVESTIGATORIAL ASSISTANT FOR PROSECUTORIAL DISTRICT 19A.

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

By Senator Hartsell:

S.B. 730, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM FEE FOR COPYING AND SEARCHING MEDICAL RECORDS.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 731, A BILL TO BE ENTITLED AN ACT TO UPDATE AND IMPROVE LAWS COVERING UNAUTHORIZED INSURERS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senator Hartsell:

S.B. 732, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR TWO ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND TWO ADDITIONAL VICTIM WITNESS LEGAL ASSISTANTS FOR THE 19A PROSECUTORIAL DISTRICT.

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

By Senator Hartsell:

S.B. 733, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO RENUNCIATIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Dalton:

S.B. 734, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RUTHERFORD COUNTY FOR CONSTRUCTION OF A WELCOME CENTER AND A FARMERS MARKET.

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

By Senator Dalton:

S.B. 735, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAWS GOVERNING MEDIATION OF PROPERTY INSURANCE CLAIMS ARISING OUT OF DISASTERS.

Referred to the **Judiciary II Committee**.

By Senator Dalton:

S.B. 736, A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS PURCHASING ANNUITY PRODUCTS; ADDRESS PORTABILITY IN ACCIDENT AND HEALTH AND LIFE INSURANCE; MAKE MINOR CHANGES IN THE LAWS ON MANAGED CARE EXTERNAL REVIEWS; CLARIFY DEFINITIONS IN LONG-TERM CARE INSURANCE; ADDRESS SMALL EMPLOYER CARRIER PLAN ELECTIONS; DEFINE "CRITICAL PERIOD CONVERSION RATIO" FOR CREDIT INSURANCE; MAKE MISCELLANEOUS AMENDMENTS TO OTHER PROVISIONS RELATED TO LIFE AND HEALTH INSURANCE; AND MAKE TECHNICAL CORRECTIONS IN INSURANCE CODE REFERENCES TO THE TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Swindell; Albertson, Atwater, Goss, Jones, Nesbitt, Rand, Snow, Stevens and Tillman:

S.B. 737, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR PARTICIPATION IN A COMMUNITY COLLEGE LATERAL ENTRY PROGRAM.

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

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By Senators Swindell; Albertson, Atwater, Rand, Snow and Tillman:

S.B. 738, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR-HIRE FARM TRACTORS AND IMPLEMENTS OF HUSBANDRY TO BE EXEMPT FROM REGISTRATION REQUIREMENTS, TO INCREASE THE DISTANCE THE FARM TRACTOR OR IMPLEMENT OF HUSBANDRY MAY TRAVEL WITHOUT HAVING TO BE A REGISTERED VEHICLE, TO INCREASE THE LENGTH ALLOWED FOR TRUCKS TRANSPORTING COTTON, AND TO INCREASE THE WIDTH ALLOWED FOR VEHICLES WITH SELF-LOADING BEDS THAT TRANSPORT COTTON.

Referred to the **Finance Committee**.

By Senators Swindell; Albertson, Atwater, Goss, Nesbitt, Rand, Snow, Stevens and Tillman:

S.B. 739, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SCHOOL TECHNOLOGY INITIATIVE.

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

By Senators Clodfelter; and Rand:

S.B. 740, A BILL TO BE ENTITLED AN ACT TO REQUIRE A COURT TO DETERMINE, AFTER NOTICE AND HEARING, WHETHER THE AMOUNT OF UNDERTAKING TO STAY EXECUTION ON A MONEY JUDGMENT PENDING APPEAL IS PROPER AND REASONABLE BASED ON THE CONSIDERATION OF CERTAIN SPECIFIC RELEVANT FACTORS.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; Berger of Franklin and Nesbitt:

S.B. 741, A BILL TO BE ENTITLED AN ACT ELIMINATING THE WAITING PERIOD FOR UNEMPLOYMENT BENEFITS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Rand; Albertson, Allran, Apodaca, Atwater, Clodfelter, Dannelly, Dorsett, Foriest, Forrester, Garrou, Goss, Hoyle, Jenkins, Jones, Malone, Purcell, Stevens, Swindell and Tillman:

S.B. 742, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TEACHERS ARE NOT PENALIZED FOR TAKING PERSONAL LEAVE.

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

By Senators Rand; Apodaca, Brock and Jones:

S.B. 743, A BILL TO BE ENTITLED AN ACT TO REMOVE THE TEN-YEAR TIME PERIOD ALLOWED TO LOOK BACK INTO A DRIVER'S HISTORY TO DETERMINE IF THE DEFENDANT IS A HABITUAL IMPAIRED DRIVING OFFENDER.

Referred to the **Judiciary I Committee**.

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By Senators Rand; and Swindell:

S.B. 744, 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 AND AMENDING THE LAWS PERTAINING TO CONTESTED CASE HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT TO ALLOW OCCUPATIONAL LICENSING BOARDS TO SERVE NOTICE OF HEARING BY FIRST-CLASS MAIL ON APPLICANTS REQUESTING HEARINGS REGARDING THE APPLICANTS' CHARACTER OR FITNESS FOR LICENSURE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Rand; and Swindell:

S.B. 745, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A FEDERALLY REQUIRED MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILIES THAT HAVE NEVER RECEIVED TANF.

Referred to the **Finance Committee**.

By Senators Rand; and Swindell:

S.B. 746, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MAINTENANCE AND PRESERVATION OF STATE-OWNED HISTORIC CEMETERIES.

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

By Senators Rand; and Swindell:

S.B. 747, A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR BUILDER DESIGNATIONS UNDER THE LAWS PERTAINING TO GENERAL CONTRACTORS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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

S.B. 748, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXTEND THE RESTRICTION ON THE ISSUING OF LICENSES FOR HOME CARE AGENCIES BY ONE YEAR.

Referred to the **Health Care Committee**.

By Senators Dannelly; Allran, Bingham, Dorsett and Purcell:

S.B. 749, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA STUDY COMMISSION ON AGING TO STUDY THE NECESSITY FOR LIMITING THE AUTHORITY OF LONG-TERM CARE PROVIDERS IN HIRING CONVICTED FELONS.

Referred to the **Health Care Committee**.

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By Senators Dannelly; Allran, Dorsett, Forrester, Malone, Purcell and Tillman:

S.B. 750, A BILL TO BE ENTITLED AN ACT TO RESTORE FUNDING FOR ASSISTANT PRINCIPALS IN THE PUBLIC SCHOOLS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dannelly; Brunstetter, Cowell, Dorsett, Goodall, Graham and Malone:

S.B. 751, 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 DROPOUT RATES IN LATER GRADES.

Referred to the **Education/Public Instruction Committee**.

By Senators Dannelly, Bingham and Allran:

S.B. 752, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT RULES ALLOWING THE ISSUANCE OF STAR-RATED CERTIFICATES TO ADULT CARE HOMES, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF FACILITY SERVICES, FOR ADDITIONAL POSITIONS AND DATABASE ENHANCEMENT TO SUPPORT THE PROGRAM, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Albertson, Dannelly, Dorsett, Jones, Malone, Rand and Shaw:

S.B. 753, A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF OCTOBER AS DISABILITY HISTORY AND AWARENESS MONTH AND REQUIRING LOCAL BOARDS OF EDUCATION TO PROVIDE INSTRUCTION ON DISABILITY HISTORY AND AWARENESS.

Referred to the **Education/Public Instruction Committee**.

By Senators Purcell; Albertson, Dannelly, Dorsett, Jones, Malone, Queen, Rand, Swindell and Weinstein:

S.B. 754, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ALLOCATION TO THE AREA AGENCIES ON AGING.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell, Hagan, Garrou, Dalton; Atwater, Berger of Franklin, Dorsett, Kinnaird, Queen and Rand:

S.B. 755, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD CARE SUBSIDY PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Purcell:

S.B. 756, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF ALBEMARLE FOR RENOVATION AND EXPANSION OF THE E.E. WADDELL COMMUNITY CENTER.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Purcell:

S.B. 757, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR NURSING TO THE DEPARTMENT OF ADMINISTRATION AND TO AMEND THE APPOINTMENT PROCEDURE FOR ONE OF THE BOARD MEMBERS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Kerr, Jones; Albertson, Berger of Rockingham, Clodfelter, Dorsett, Jenkins, Malone, Nesbitt, Stevens and Weinstein:

S.B. 758, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE.

Referred to the **Judiciary II Committee**.

By Senators Dannelly, Lucas; Dorsett and Malone:

S.B. 759, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, AND INSURANCE COMPANIES AND HEALTH MAINTENANCE ORGANIZATIONS DOING BUSINESS IN THIS STATE, TO PROVIDE COVERAGE FOR INFERTILITY TREATMENT.

Referred to the **Select Committee on Employee Hospital and Medical Benefits Committee** and upon a favorable report, re-referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Dannelly, Lucas; Dorsett and Malone:

S.B. 760, A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

Referred to the **Judiciary I Committee**.

By Senators Hoyle; Albertson, Atwater, Bingham, Boseman, Cowell, Dalton, Forrester, Garrou, Goss, Jenkins, Kerr, Malone, Nesbitt, Queen, Stevens, Swindell and Tillman:

S.B. 761, A BILL TO BE ENTITLED AN ACT TO EXEMPT BAKED GOODS FROM STATE SALES AND USE TAXES.

Referred to the **Finance Committee**.

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By Senators Hoyle; Bingham, Brunstetter, Dalton, Forrester, Garrou, Goss, Hartsell, Jenkins, Jones, Kerr, Snow, Stevens, Swindell and Tillman:

S.B. 762, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS.

Referred to the **Finance Committee**.

By Senators Hagan; Dalton and Dorsett:

S.B. 763, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT SCHOOL SCIENCE COMPETITIONS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hagan; Cowell, Dorsett, Hartsell, Snow and Stevens:

S.B. 764, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE CONSUMER REAL ESTATE SETTLEMENT PROTECTION ACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 42 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CRIMINAL PROCEDURE LAWS AFFECTING DOMESTIC VIOLENCE VICTIMS AND TO REQUIRE DOMESTIC VIOLENCE HOMICIDE REPORTING AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

Referred to the **Judiciary I Committee**.

H.B. 92, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW OPTIONS FOR INCREASING MEDICAID MEDICALLY NEEDY INCOME LIMITS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 197 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF ASSIGNMENTS TO THE SPECIAL ASSISTANCE IN-HOME PROGRAM IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND TO AUTHORIZE A STUDY OF THE PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 203, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SEASON FOR TAKING RABBITS IN JOHNSTON COUNTY TO COINCIDE WITH THE RABBIT SEASON IN THE OTHER COUNTIES OF THE STATE.

Referred to the **State & Local Government Committee**.

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Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:21 P.M.

THIRTIETH DAY

Senate Chamber
Thursday, March 15, 2007

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 coach of a major college basketball program had the following to say to one of his players who sadly had just received four F's and one D. 'Son, looks to me like you're spending too much time on one subject.' I thought about that story as it relates to all the bills that are being presented. One piece of proposed legislation may get all the press value, but there are many innovative and visionary laws being proposed. Allow all the legislation to be given a fair amount of study time. Amen."

The Chair grants leaves of absence for today to Senator Clodfelter, Senator Graham and Senator Kinnaird.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, March 14, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. James Toole from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Lisa Guy from Asheboro, 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. 21, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATUTE PROHIBITING DOG FIGHTING AND BAITING DOES NOT

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APPLY TO THE USE OF HERDING DOGS WORKING WITH DOMESTICATED LIVESTOCK, with a favorable report.

By Senator Bingham for the **Health Care Committee**:

S.B. 260, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING CERVICAL CANCER, CERVICAL DYSPLASIA, HUMAN PAPILOMAVIRUS, AND THE VACCINES AVAILABLE TO PREVENT THESE DISEASES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35214, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 336, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SWAIN COUNTY 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 65158, which changes the title to read **S.B. 336** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SWAIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, is adopted and engrossed.

S.B. 465, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET 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 85183, is adopted and engrossed.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 253, A JOINT RESOLUTION HONORING INDEPENDENCE HIGH SCHOOL ON HAVING AN OUTSTANDING FOOTBALL TEAM AND HONORING THE MEMORY OF DEVIN HOWARD. (Res. 13)

S.J.R. 674, A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM PEACE, FOUNDER OF PEACE COLLEGE. (Res. 14)

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H.J.R. 434, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF DENTON ON THE TOWN'S 100TH ANNIVERSARY. (Res. 15)

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 220, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ROANOKE RAPIDS AND THE TOWNS OF AHOSKIE AND WELDON, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 19, upon third reading.

S.B. 284, A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF SANFORD TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE CITY'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE CITY'S SATELLITE CORPORATE LIMITS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 19, upon third reading.

S.B. 398, A BILL TO BE ENTITLED AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 19, upon third reading.

S.B. 432, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE CITY OF GREENSBORO, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 19, upon third reading.

S.B. 443, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF YANCEYVILLE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 19, upon third reading.

S.B. 491, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 19, upon third reading.

S.B. 442, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CASWELL COUNTY TO LEVY A ROOM OCCUPANCY TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---42.

Voting in the negative: Senators Berger of Rockingham, Brock, East, Forrester and Pittenger---5.

The bill remains on the Calendar for Monday, March 19, upon third reading.

S.B. 496, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PERQUIMANS COUNTY TO LEVY A ROOM OCCUPANCY TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.

The bill remains on the Calendar for Monday, March 19, upon third reading.

S.B. 439, A BILL TO BE ENTITLED AN ACT EXTENDING THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF MAGNOLIA.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 167, A BILL TO BE ENTITLED AN ACT TO MAKE THE LEGISLATIVE INTERN PROGRAM AVAILABLE TO STUDENTS ENROLLED IN COMMUNITY COLLEGES THAT OFFER COLLEGE

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TRANSFER PROGRAMS AS WELL AS TO STUDENTS ENROLLED IN FOUR YEAR COLLEGES AND UNIVERSITIES.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 4, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SHERIFFS TO INSPECT PRESCRIPTION PROFILES AND STOCKS OF CONTROLLED SUBSTANCES, upon third reading.

Senator Snow offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives.

S.R. 633, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Senator Berger of Rockingham offers Amendment No. 1 which fails of adoption (18-29).

Senator Berger of Rockingham offers Amendment No. 2 which fails of adoption (18-29).

The Senate Resolution is adopted (34-13).

RECONSIDERATION

S.B. 4, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SHERIFFS TO INSPECT PRESCRIPTION PROFILES AND STOCKS OF CONTROLLED SUBSTANCES, as amended and ordered engrossed and sent to the House of Representatives earlier today.

Having voted with the majority on third reading, Senator Rand offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

Having voted with the majority, Senator Rand offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails.

The question before the Body is the adoption of Amendment No. 1.

Senator Snow withdraws Amendment No. 1.

Senator Snow offers Amendment No. 2 which is adopted (47-0).

The bill, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives.

COMMITTEE APPOINTMENTS

Senator Dannelly, Deputy President *Pro Tempore*, announces the establishment of the **Joint Select Committee on Emergency Preparedness & Disaster Management Recovery**. The members are as follows:

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Senator Nesbitt, Co-Chair; Senator Boseman, Vice Chair; and Senator Malone, Vice-Chair; Senator Apodaca, Senator Brown, Senator Dorsett, Senator Hartsell, Senator Jenkins, Senator Jones, Senator Kerr, Senator Rand and Senator Snow.

Senator Dannelly, Deputy President *Pro Tempore*, announces the establishment of the **Senate Select Committee on Government and Election Reform**. The members are as follows:

Senator Clodfelter, Co-Chair, and Senator Rand, Co-Chair; Senator Berger of Rockingham, Senator Bingham, Senator Boseman, Senator Cowell, Senator Dannelly, Senator Goss, Senator Jones, Senator Nesbitt, Senator Soles and Senator Stevens.

ADDITIONAL SPONSORS

Senator Cowell requests to be added as a sponsor of previously introduced legislation:

S.B. 709, A BILL TO BE ENTITLED AN ACT ENCOURAGING THE PUBLIC SCHOOLS, THE COMMUNITY COLLEGE SYSTEM, AND THE UNIVERSITY OF NORTH CAROLINA TO OFFER AMERICAN SIGN LANGUAGE FOR CREDIT AS A MODERN FOREIGN LANGUAGE.

S.B. 753, A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF OCTOBER AS DISABILITY HISTORY AND AWARENESS MONTH AND REQUIRING LOCAL BOARDS OF EDUCATION TO PROVIDE INSTRUCTION ON DISABILITY HISTORY AND AWARENESS.

Senator Goss requests to be added as a sponsor of previously introduced legislation:

S.B. 754, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ALLOCATION TO THE AREA AGENCIES ON AGING.

REMOVAL OF BILL CO-SPONSOR

Senator Preston requests that she be removed as a sponsor of previously introduced legislation:

S.B. 574, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS.

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Upon motion of Senator Basnight, seconded by Senator Dannelly, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, and in memory of Senator Jeanne Hopkins Lucas, to meet Monday, March 19, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Garrou, Dalton and Hagan:

S.B. 765, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Berger of Rockingham; Apodaca, Blake, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Preston, Stevens and Tillman:

S.B. 766, A BILL TO BE ENTITLED AN ACT TO ALLOW DIFFERENTIAL TREATMENT OF NONPROFIT ORGANIZATIONS WHOSE PROPERTY IS CONDEMNED SO AS TO ALLOW REPLACEMENT VALUE RATHER THAN FAIR MARKET VALUE.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Preston, Smith, Stevens and Tillman:

S.B. 767, 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.

Referred to the **Select Committee on Government and Election Reform**.

By Senators Hartsell; and Jones:

S.B. 768, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF A STIPEND TO PUBLIC HEALTH AUTHORITY BOARDS, AND TO AUTHORIZE PUBLIC HEALTH AUTHORITY BOARDS TO BORROW MONEY FOR CERTAIN PURPOSES.

Referred to the **Finance Committee**.

By Senators Hartsell; and Brock:

S.B. 769, 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**.

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By Senator Goss:

S.B. 770, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUSPEND ADMISSIONS OR SERVICES IN HOSPITALS AS PART OF TAKING ADVERSE ACTION AGAINST A HOSPITAL'S LICENSE; TO ALLOW FOR THE WAIVER OF HOSPITAL LICENSURE RULES DURING AN EMERGENCY; TO ALLOW CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF LICENSED MENTAL HEALTH FACILITIES BY PRIVATE ENTITIES; TO MAKE TECHNICAL CORRECTIONS IN THE HEALTH CARE PERSONNEL REGISTRY STATUTES; TO REQUIRE FINES TO BE PAID PRIOR TO TRANSFER OF OWNERSHIP OF ADULT CARE HOMES; AND TO CHANGE TIME FRAMES OF INVESTIGATIONS OF ADULT CARE HOMES.

Referred to the **Judiciary I Committee**.

By Senator Goss:

S.B. 771, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE WATAUGA COUNTY ARTS COUNCIL TO PLAN A NEW APPALACHIAN CULTURAL MUSEUM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Cowell:

S.B. 772, A BILL TO BE ENTITLED AN ACT TO CHANGE THE AMOUNT OF THE FIDELITY BOND REQUIRED OF SCHOOL FINANCE OFFICERS.

Referred to the **Finance Committee**.

By Senator Dalton:

S.B. 773, A BILL TO BE ENTITLED AN ACT TO RENAME HICKORY NUT GORGE STATE PARK AS CHIMNEY ROCK STATE PARK IN THE EVENT THE STATE ACQUIRES THE PRIVATELY-OWNED LAND IN WHICH CHIMNEY ROCK IS LOCATED THAT IS ADJACENT TO HICKORY NUT GORGE STATE PARK.

Referred to the **State & Local Government Committee**.

By Senator Dalton:

S.B. 774, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A FIFTY-BED DORMITORY AT THE CLEVELAND CORRECTIONAL UNIT.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Dalton:

S.B. 775, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ISOTHERMAL COMMUNITY COLLEGE.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Dalton:

S.B. 776, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STUDY THE FEASIBILITY OF ESTABLISHING AN INLAND PORT IN THE ADVANTAGEWEST REGION.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Goodall; Apodaca and Hoyle:

S.B. 777, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR VIOLATING CERTAIN LAWS REGULATING CERTIFIED PUBLIC ACCOUNTANTS.

Referred to the **Judiciary II Committee**.

By Senators Goodall; Apodaca, Brock, Forrester and Pittenger:

S.B. 778, A BILL TO BE ENTITLED AN ACT TO ADJUST THE INDIVIDUAL INCOME TAX BRACKETS.

Referred to the **Finance Committee**.

By Senators Goodall; Brock, Forrester and Pittenger:

S.B. 779, A BILL TO BE ENTITLED AN ACT TO RESTORE INTEGRITY TO VOTING BY REQUIRING GOVERNMENT-ISSUED PHOTO IDENTIFICATION AT THE POLLING LOCATION AND ELIMINATING THE FEE FOR SPECIAL IDENTIFICATION CARDS TO PROMOTE VOTING BY ALL NORTH CAROLINIANS.

Referred to the **Select Committee on Government and Election Reform**.

By Senator Soles:

S.B. 780, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN INDEPENDENT STUDY COMMISSION TO CONSIDER THE DESIRABILITY AND FEASIBILITY OF ADAPTING THE USE OF A TRACT OF STATE-OWNED LAND, LOCATED IN THE SOUTHEASTERN PART OF THE STATE ON THE NORTHEAST CAPE FEAR RIVER AND THE BURGAW CREEK THAT IS CURRENTLY STATE GAMELANDS, TO SHOWCASE THE NATURAL ENVIRONMENT OF SOUTHEASTERN NORTH CAROLINA, PROVIDE ENVIRONMENTAL EDUCATIONAL OPPORTUNITIES FOR YOUTH AND ADULTS, AND PROVIDE RECREATIONAL OPPORTUNITIES FOR OUTDOOR ENTHUSIASTS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Atwater:

S.B. 781, 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 Senator Atwater:

S.B. 782, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADDITIONAL DISTRICT COURT JUDGE, THREE

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ADDITIONAL ASSISTANT DISTRICT ATTORNEYS, SIX ADDITIONAL MAGISTRATES, AND FIVE ADDITIONAL DEPUTY CLERKS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Atwater:

S.B. 783, A BILL TO BE ENTITLED AN ACT TO EXEMPT FUNDS EXPENDED TO RECONSTRUCT THAT PORTION OF INTERSTATE 40 FROM N.C. HIGHWAY 147 TO U.S. 15-501 IN DURHAM COUNTY FROM THE EQUITY FORMULA FOR THE HIGHWAY TRUST FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Atwater and Lucas:

S.B. 784, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF SERVICE CREDIT FOR PERIODS OF SERVICE AS A LAW ENFORCEMENT OFFICER WITH THE CITY OF DURHAM OR DURHAM COUNTY.

Referred to the **Pensions & Retirement and Aging Committee**.

By Senators Kerr and Purcell:

S.B. 785, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL LAW ENFORCEMENT OFFICERS, MUNICIPAL EMPLOYEES, AND FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES PERSONNEL THROUGHOUT THE STATE TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES; TO REPEAL LOCAL ACTS ON THE SUBJECT; AND TO MANDATE THAT ATV SAFETY COURSES BE APPROVED BY THE COMMISSIONER OF INSURANCE.

Referred to the **Judiciary II Committee**.

By Senator Kerr:

S.B. 786, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE WATCH PROGRAM AT WAYNE MEMORIAL HOSPITAL.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Kerr:

S.B. 787, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ALTERNATIVE WATER SUPPLY FOR FARMVILLE AND GREENE COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hartsell:

S.B. 788, A BILL TO BE ENTITLED AN ACT TO ALLOW CONVICTIONS FOR NONDRIVING OFFENSES TO BE CONSIDERED FOR THE PURPOSES OF SENTENCING UNDER THE DWI SENTENCING GUIDELINES AND TO ELIMINATE A CONFLICT BETWEEN

AGGRAVATING AND MITIGATING FACTORS FOR TRAFFIC OFFENSES CHARGED IN THE PREVIOUS FIVE YEARS.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 789, A BILL TO BE ENTITLED AN ACT TO CHANGE THE AGGRAVATING FACTOR RELATING TO HAVING A CHILD UNDER THE AGE OF TWELVE IN THE VEHICLE TO HAVING A CHILD UNDER SIXTEEN IN THE VEHICLE.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 790, A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAW REGARDING TESTAMENTARY ADDITIONS TO TRUSTS, TO CODIFY THE DOCTRINES OF INCORPORATION BY REFERENCE AND ACTS OF INDEPENDENT SIGNIFICANCE, AND TO ALLOW, IF AUTHORIZED BY WILL, THE DISPOSITION OF TANGIBLE PERSONAL PROPERTY OTHER THAN MONEY BY A SEPARATE WRITING, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Jenkins:

S.B. 791, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EDGECOMBE COUNTY CROSSING AT 64 MIXED USED DEVELOPMENT FOR CAPITAL AND OPERATIONAL EXPENSES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jenkins:

S.B. 792, 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. 793, A BILL TO BE ENTITLED AN ACT TO REQUIRE AN INDIVIDUAL TO SHOW PROOF OF RESIDENCE AND LEGAL PRESENCE PRIOR TO THE ISSUANCE OF A REGISTRATION PLATE FOR A MOTOR VEHICLE.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

S.B. 794, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE TRANSFER OF FUNDS FROM THE HIGHWAY FUND TO THE DEPARTMENT OF PUBLIC INSTRUCTION FOR DRIVER EDUCATION PROGRAMS.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Jenkins:

S.B. 795, A BILL TO BE ENTITLED AN ACT TO ADDRESS NONFLEET PRIVATE PASSENGER MOTOR VEHICLE INSURANCE RATE EVASION FRAUD.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Jenkins:

S.B. 796, A BILL TO BE ENTITLED AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION.

Referred to the **Transportation Committee**.

By Senator Jenkins:

S.B. 797, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PLAN AND CONSTRUCT A NEW VETERINARY FACILITY AT NORTH CAROLINA STATE UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jenkins:

S.B. 798, A BILL TO BE ENTITLED AN ACT TO SET THE NUMBER OF DESIGN-BUILD CONSTRUCTION CONTRACTS THAT MAY BE AWARDED BY THE DEPARTMENT OF TRANSPORTATION AT TWENTY-FIVE CONTRACTS EACH FISCAL YEAR.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jenkins:

S.B. 799, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE GRAVEYARD OF THE ATLANTIC MUSEUM AS A MEMBER OF STATE HISTORY MUSEUMS DIVISION IN THE DEPARTMENT OF CULTURAL RESOURCES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jenkins:

S.B. 800, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EDGECOMBE COMMUNITY COLLEGE FOR THE CONSTRUCTION OF A COMMUNITY HEALTH EDUCATION CENTER.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dorsett; Purcell and Albertson:

S.B. 801, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DECEPTIVE PRACTICE REGARDING LOCAL BUSINESS TELEPHONE LISTINGS FOR NONLOCAL FLORISTS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senators Dorsett; Berger of Rockingham and Bingham:

S.B. 802, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GUILFORD TECHNICAL COMMUNITY COLLEGE TO CONSTRUCT AN ADDITION TO THE T.H. DAVIS AVIATION CENTER.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dorsett; Albertson, Hagan, Jones, Kinnaird, Malone and Purcell:

S.B. 803, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CREATE A FREE ONLINE HOMEWORK HELP PROGRAM FOR ALL NORTH CAROLINA STUDENTS IN THE FOURTH THROUGH THE TWELFTH GRADE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dorsett; Albertson, Dannelly, Foriest, Hagan, Jones, Kinnaird, Malone and Purcell:

S.B. 804, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CORRECTION FOR TREATMENT OF INMATES WITH DRUG AND ALCOHOL ADDICTION THROUGH PRIVATE DRUG AND ALCOHOL TREATMENT FACILITIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dorsett; Albertson, Dannelly, Jones, Kinnaird, Malone and Purcell:

S.B. 805, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT NORTH CAROLINA NONPROFIT ORGANIZATIONS FOR PROVIDING COMPREHENSIVE DENTAL CARE FOR SPECIAL CARE POPULATIONS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Pittenger; Allran, Blake, Forrester and Goodall:

S.B. 806, A BILL TO BE ENTITLED AN ACT TO LENGTHEN THE TIME GOODS MUST BE HELD UNDER PAWN.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Pittenger; Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin, Preston, Stevens and Tillman:

S.B. 807, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ATTORNEY GENERAL AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE FEDERAL GOVERNMENT TO PROVIDE FOR STATE LAW ENFORCEMENT OFFICERS TO PERFORM CERTAIN FUNCTIONS OF FEDERAL IMMIGRATION OFFICERS.

Referred to the **Judiciary I Committee**.

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By Senators Pittenger; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Forrester, Goodall, Hunt, Jacumin, Preston, Stevens and Tillman:

S.B. 808, 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**.

By Senator Swindell:

S.B. 809, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE SUMMER CAMP PROGRAM AT THE GATEWAY TECHNOLOGY CENTER IN ROCKY MOUNT.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Swindell; and Purcell:

S.B. 810, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EDUCATIONAL REQUIREMENT FOR THE TEACHER ASSISTANT SCHOLARSHIP FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Swindell; Brown and Purcell:

S.B. 811, A BILL TO BE ENTITLED AN ACT TO MODIFY THE NORTH CAROLINA TRAVEL AND TOURISM BOARD TO INCLUDE REPRESENTATIVES OF THE CHARTER BOAT INDUSTRY.

Referred to the **State & Local Government Committee**.

By Senators Forrester; Apodaca, Foriest, Goodall, Hagan and Tillman:

S.B. 812, A BILL TO BE ENTITLED AN ACT TO REQUIRE PASSENGER SAFETY RESTRAINT SYSTEMS BE INSTALLED AND USED ON NEW SCHOOL BUSES OPERATED BY PUBLIC OR PRIVATE SCHOOLS.

Referred to the **Health Care Committee**.

By Senators Dannelly; Albertson, Dorsett and Malone:

S.B. 813, 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 Berger of Rockingham; Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Preston, Smith, Stevens and Tillman:

S.B. 814, A BILL TO BE ENTITLED AN ACT TO REGULATE LEGAL ASSISTANCE FUNDS COLLECTED BY OR ON BEHALF OF AN ELECTED OFFICER.

Referred to the **Select Committee on Government and Election Reform**.

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By Senators Brown; Preston, Purcell and Swindell:

S.B. 815, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Referred to the **State & Local Government Committee**.

By Senators Brown; Allran, Apodaca, Berger of Rockingham, Boseman, Brock, Brunstetter, East, Forrester, Jenkins, Jones, Pittenger, Preston and Tillman:

S.B. 816, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY TO BE IMPOSED FOR DRUG TRAFFICKING OFFENSES BY FIVE YEARS.

Referred to the **Judiciary I Committee**.

By Senator Cowell:

S.B. 817, A BILL TO BE ENTITLED AN ACT REQUIRING THAT RESIDENTIAL PROPERTY DISCLOSURE STATEMENTS CONTAIN INFORMATION ABOUT AIRPORT NOISE CONTOUR ZONES AND THE 100-YEAR-FLOODPLAIN AND THE FLOOD FRINGE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Stevens:

S.B. 818, A BILL TO BE ENTITLED AN ACT TO AMEND THE VIATICAL SETTLEMENTS ACT.

Referred to the **Judiciary I Committee**.

By Senator Kinnaird:

S.B. 819, A BILL TO BE ENTITLED AN ACT CLARIFYING THE LAW REGARDING THE GIFT OR SALE OF CRAFT ITEMS MADE WITH DONATED SUPPLIES AND EQUIPMENT BY VOLUNTEERS WHO ARE INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Kinnaird:

S.B. 820, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SENTENCING SERVICES PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Kinnaird:

S.B. 821, A BILL TO BE ENTITLED AN ACT TO REVISE THE CRITERIA FOR THE PLACEMENT OF JUVENILES IN NONSECURE CUSTODY.

Referred to the **Judiciary I Committee**.

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By Senator Kinnaird:

S.B. 822, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR OUR CHILDREN'S PLACE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Kinnaird:

S.B. 823, A BILL TO BE ENTITLED AN ACT TO MAKE THE INCREASE IN SENTENCE LENGTHS BETWEEN PRIOR RECORD LEVELS MORE PROPORTIONATE USING A SET PERCENTAGE INCREMENT.

Referred to the **Judiciary I Committee**.

By Senator Kinnaird:

S.B. 824, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING NOTICES OF APPEAL IN JUVENILE COURT.

Referred to the **Judiciary I Committee**.

By Senators Weinstein; Dalton, Garrou, Hagan and Rand:

S.B. 825, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE JEWISH HERITAGE FOUNDATION OF NORTH CAROLINA TO ASSIST THE ORGANIZATION IN PRODUCING A HERITAGE DOCUMENTARY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Berger of Franklin:

S.B. 826, 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 Berger of Franklin:

S.B. 827, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EMBASSY SQUARE PROJECT IN HENDERSON.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Berger of Franklin:

S.B. 828, A BILL TO BE ENTITLED AN ACT TO CREATE DISTRICT COURT DISTRICT 9C CONSISTING OF FRANKLIN, GRANVILLE, VANCE, AND WARREN COUNTIES AND TO APPROPRIATE FUNDS FOR A JUDGE TO SERVE AT-LARGE IN THAT DISTRICT.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hoyle, Clodfelter and Forrester:

S.B. 829, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MOUNTAIN ISLAND EDUCATIONAL STATE FOREST FOR THE CONSTRUCTION OF A FACILITY AND FOR

INFRASTRUCTURE NEEDED TO ESTABLISH THE MOUNTAIN ISLAND EDUCATIONAL STATE FOREST.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hoyle; and Jenkins:

S.B. 830, A BILL TO BE ENTITLED AN ACT TO DEVELOP PERFORMANCE STANDARDS FOR THE DEPARTMENT OF TRANSPORTATION AND TO MODIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Hoyle:

S.B. 831, A BILL TO BE ENTITLED AN ACT STREAMLINING LOCAL GOVERNMENT REGULATION OF WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES AND THE COLLOCATION OF WIRELESS FACILITIES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 61, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHILD RESTRAINT LAW TO ENSURE COMPLIANCE WITH FEDERAL REGULATIONS.

Referred to the **Health Care Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:28 P.M.

THIRTY-FIRST DAY

Senate Chamber
Monday, March 19, 2007

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:

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"Dear Lord, the sanctuary was filled and overflowing. There was glorious, rhythmic African American gospel music. At least seventeen reflections and tributes were offered. Church fans were distributed and gladly used by the participants. There was laughter and there were tears and 2 1/2 hours after its beginning, the service of celebration for the life of our late colleague, Senator Jeanne Lucas, ended. Such a reflection may seem an unusual way to begin this week's proceedings in the Senate, but it must be said that in the thoughtful, well-spoken words offered by Lieutenant Governor Perdue, Senator Basnight, and Senator Dannelly, the people there learned not only of their feelings about Senator Lucas, but also about the best of what happens in this place and the best of what is in each Member here. When I walked out of that church, this chaplain was proud to call the Members of the Senate my congregation if only for a few minutes a week. Keep giving your best. Amen."

The Chair grants a leave of absence for tonight to Senator Berger of Rockingham.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 15, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Robert Majors from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Anne Hardee from Fuquay-Varina, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 225, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF EDWARD S. FINLEY, JR. AND SAMUEL JAMES ERVIN, IV TO THE UTILITIES COMMISSION. (Res. 16)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee**:

S.B. 119, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT EMPLOYEES OF THE DEPARTMENT OF DEFENSE AND THEIR DEPENDENTS SHALL QUALIFY FOR THE IN-STATE TUITION RATE,

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with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75255, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Bingham for the **Health Care Committee**:

S.B. 42, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE RECOMMENDATIONS OF THE STROKE ADVISORY COUNCIL OF THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION 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 85049, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills and a resolution on tonight's Calendar are taken up and disposed of, as follows:

S.B. 220, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ROANOKE RAPIDS AND THE TOWNS OF AHOSKIE AND WELDON, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 284, A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF SANFORD TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE CITY'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE CITY'S SATELLITE CORPORATE LIMITS, 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, Bingham, Blake, Boseman, Brock, Brown,

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Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 398, A BILL TO BE ENTITLED AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD, 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, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 432, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE CITY OF GREENSBORO, 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, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 443, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF YANCEYVILLE, 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, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt,

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Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 491, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS, 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, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 442, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CASWELL COUNTY TO LEVY A ROOM OCCUPANCY TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.

The bill is ordered sent to the House of Representatives.

S.B. 496, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PERQUIMANS COUNTY TO LEVY A ROOM OCCUPANCY TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.

The bill is ordered sent to the House of Representatives.

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S.B. 336 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SWAIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon second reading.

The Committee Substitute 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: Senators Forrester and Pittenger---2.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, March 20, upon third reading.

S.B. 465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, upon second reading.

The Committee Substitute 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: Senators Forrester and Pittenger---2.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, March 20, upon third reading.

S.B. 21, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATUTE PROHIBITING DOG FIGHTING AND BAITING DOES NOT APPLY TO THE USE OF HERDING DOGS WORKING WITH DOMESTICATED LIVESTOCK.

The bill passes its second reading (47-0) and third reading (47-0) and is ordered sent to the House of Representatives.

S.B. 260 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING CERVICAL CANCER, CERVICAL DYSPLASIA, HUMAN PAPILOMAVIRUS, AND THE VACCINES AVAILABLE TO PREVENT THESE DISEASES.

Senator Dorsett offers Amendment No. 1 which is adopted (47-0).

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The Committee Substitute bill, as amended, passes its second reading (47-0).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, March 20, upon third reading.

PRIVILEGES OF THE FLOOR

Upon motion of Senator Jones, privileges of the floor are granted to Sergeant First Class Chad M. Stephens, the first North Carolina National Guard soldier to receive the Silver Star since World War II and the only African-American North Carolina National Guardsman to receive the Silver Star. The Senate presents a Certificate of Appreciate to Sergeant Stephens for his courageous actions and service to our Country.

Upon motion of Senator Brock, the remarks of Senator Basnight, Senator Rand, Senator Brown, and the Lieutenant Governor are spread upon the Journal, as follows:

Senator Basnight:

“Thank you, Madame President and members of the Senate. If Raekon, Sergeant Stephens’ son, could join us up at the front we will present a flag to Sergeant Stephens on behalf of the members of the Senate. If I may, to all of North Carolina’s heavy brass, thank you for your participation and the Sergeant’s participation for freedom that allows me and the people of this great State to make choices every day. Freedom allows us to make decisions that are in the interests that we believe in without regard of personal opinion or the choices that others may choose in conflict of our opinion. My little reading of the history of America and the reason that we’re so very different was championed by General Washington and it’s always been interesting to me that he never wanted to be called President. He only wanted to be known as a General that created these freedoms and these opportunities. So from Washington to Sergeant Stephens and everybody in between, you’ve given us our opportunity of choice. We are so awfully proud of you and your accomplishments and of every soldier that serves on our behalf. God bless you and your son and each and every soldier serving in our forces today in the world.”

Senator Rand:

“Madame Lieutenant Governor, can he have his wife come up here, too? I mean those who stand and wait also serve. We ought to have her picture, too!”

Senator Brown:

“Thank you, Madame President. Sergeant Stephens mentioned that he has been in Jacksonville and I think the time he is referring to, several guys who were in that mission were very good friends of my son and a couple of them were killed in that event. I went to the memorial service in Jacksonville that honored those two guys who were killed during that time. It was a very moving

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ceremony and it really made me appreciate what the Guard does in my community in Jacksonville and what they do for this State and this Nation. I really want to thank you for being here tonight because it really hit home with my son and me personally because it was a very good friend of his that we lost. Thank you so much.”

Lieutenant Governor Perdue:

“Again, to Sergeant First Class Stephens and his wife, Mrs. Rosalie Stephens, and to his son, Raekon, we can only imagine the sacrifices you’ve made and thank you, Senator Rand, for pointing out once again that it’s Mrs. Stephens who holds it all together while he’s serving the world. We thank all of you for that.”

The Chair recognizes Mrs. Rosalie Stephens, his wife; Raekon, his son; and members of the National Guard, Brigadier General Iwan Clontz; Colonel Tom Harris; Command Chief Warrant Officer Richard Ernest; State Command Sergeant Major Tommy Gattis; and Lieutenant Colonel William Ratliff.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 321, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ERIC SCHOPLER, A PIONEER IN THE TREATMENT OF AUTISM.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for immediate consideration.

Upon motion of Senator Cowell, the remarks of the Members are spread upon the Journal, as follows:

Senator Kinnaird:

“Thank you, Madame President. Fellow members I hope that you will read the entire resolution which outlines the life and accomplishments of a great man. I first knew Eric Schopler when he was an icon in our town because of the work he had done on autism in the hospital at The University of North Carolina at Chapel Hill. When I say an icon, I mean an icon not only in our town, but he became an icon nationally and internationally for the work that he did on autism. If you look through that, you will see that he not only has every award that could possibly be given to a person who has accomplished what he had, but also that he was a published researcher who brought this message all across the world and changed the treatment of autism entirely. Before Dr. Schopler began his research on autism, they thought it was caused by the mother. The mother who was not a good parent, who had done something wrong and, therefore, caused this child to be severely disabled. What a heartache. What a cruel accusation. First, the mother has to deal with a child that is severely disabled and then she is

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told that it is her fault that the child is the way she is. So I cannot tell you how much we owe to Dr. Schopler who discovered that this is a brain disorder. He also discovered the variety. It can be very mild autism where very often people can function in the world and do function in the world, to very severe where they must be carefully monitored and carefully taken care of and carefully trained. So we owe a great deal to this pioneer, this giant. I just want to say a couple of personal things that are beyond what you read in there of the cold, hard facts. Eric Schopler was born in 1927 in Fürth, Germany, the second of three children of Erin Schopler, a prominent attorney, and his wife, Erna Oppenheimer. He often said that he had a deceptively pleasant childhood in that while he was aware of Germany's anti-semitic social policies, he did not experience anti-semitism personally. He noted, however, that he was aware that something was wrong here since some of his Jewish teachers, friends, and acquaintances disappeared suddenly and were imprisoned or killed. This awareness, coupled with his family's sudden move to the United States to avoid being caught up in the looming holocaust, was responsible for his life-long interest in the question of why certain individuals and groups become socially excluded, misinterpreted, and scapegoated by their fellow citizens. Finally, I want to just read briefly from his last very personal experience as he was dying. He was suffering from cancer and was very aware of what he was experiencing and what it meant. I quote from Dr. Schopler, 'We are mostly having a very good day just about everyday. Cancer or knowing of mortality gives a fair bit of credit. First, it makes you realize much more vividly how great it is to be alive each day. Second, it makes me realize how extraordinarily lucky I've been all my life, escaping the Nazis to the United States, getting a great education followed by a marvelous career, a fantastic wife, family and friends, and a splendid community. If I should drop dead before I see you next, which I seriously doubt, you can be sure I will die with a grateful smile on my face.' We are all grateful to Dr. Schopler for what he has brought to all of us. Thank you."

The joint resolution passes its second reading (44-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Kinnaird the Chair extends the courtesies of the gallery to the family of Eric Schopler, his wife, Margaret Schopler; his daughter, Susan; and his sons, Robert and Thomas.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Preston to the **Joint Select Committee on Emergency Preparedness & Disaster Management Recovery**.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet Tuesday, March 20, at 3:00 P.M.

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INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Jones:

S.B. 832, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HALIFAX FIRE AND RESCUE DEPARTMENT.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jones:

S.B. 833, A BILL TO BE ENTITLED AN ACT TO CREATE A TRAVEL AND TOURISM CAPITAL INVESTMENT PROGRAM AND A RURAL TOURISM DEVELOPMENT ACCOUNT.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jones:

S.B. 834, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING COMMUNICATION SERVICES PROGRAM IN ORDER TO BRING THE PROGRAM INTO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Jones:

S.B. 835, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE COMMISSION FOR HEALTH SERVICES TO BETTER REFLECT THE FUNCTIONS AND DUTIES PERFORMED BY THE DIVISION AND THE COMMISSION.

Referred to the **Health Care Committee**.

By Senator Jones:

S.B. 836, A BILL TO BE ENTITLED AN ACT TO RENAME THE FOOD STAMP PROGRAM TO BE CONSISTENT WITH FEDERAL LAW.

Referred to the **Health Care Committee**.

By Senator Bingham:

S.B. 837, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A FAMILY COURT PILOT PROGRAM IN DISTRICT COURT DISTRICT 22.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Bingham:

S.B. 838, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINES FOR PENALTIES AND OFFERS IN COMPROMISE FOR

ALCOHOLIC BEVERAGE CONTROL LAW VIOLATIONS, TO REQUIRE AGENTS OF THE DIVISION OF ALCOHOL LAW ENFORCEMENT TO SERVE AND EXECUTE ALCOHOLIC BEVERAGE CONTROL AND NORTH CAROLINA STATE LOTTERY COMMISSION ORDERS, NOTICES, AND DEMANDS, TO CHANGE ABC PERMIT REGISTRATION AND INSPECTION FEE REVOCATIONS TO SUSPENSIONS, TO ALLOW LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO HAVE SPECIAL ONE-TIME PERMITS TO SELL AND SERVE MALT BEVERAGES, WINES, MIXED BEVERAGES, AND SPIRITUOUS LIQUORS AT FUND-RAISERS, TO MAKE TECHNICAL CORRECTIONS TO COMMERCIAL PERMITS, AND TO ALLOW WINEMAKING ON PREMISES PERMITS AT UNFORTIFIED WINERIES AS RECOMMENDED BY THE ALCOHOLIC BEVERAGE COMMISSION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Bingham:

S.B. 839, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAWS RELATING TO THE MONITORING OF SOLVENCY OF INSURANCE COMPANIES AND OTHER RISK-BEARING ENTITIES REGULATED BY THE COMMISSIONER OF INSURANCE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Albertson:

S.B. 840, A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANT PROTECTION AND CONSERVATION ACT.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Albertson:

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INDIVIDUAL INCOME TAX CREDIT FOR PROPERTY TAXES AND EXPENSES FOR QUALIFIED WILDLIFE LAND.

Referred to the **Finance Committee**.

By Senator Albertson:

S.B. 842, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE LAW THAT SETS THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS AND REQUIRES THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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By Senator Albertson:

S.B. 843, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TRAINING AND QUALIFICATION REQUIREMENTS APPLICABLE TO ANIMAL WASTE MANAGEMENT TECHNICAL SPECIALISTS IN THE PROVISION OF SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Albertson:

S.B. 844, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL LAWS TO PROVIDE THAT AN APPLICATION FOR A CONSTRUCTION PERMIT FOR A PRIVATE DRINKING WATER WELL THAT IS TO BE LOCATED ON A SITE ON WHICH A WASTEWATER SYSTEM IS LOCATED MAY BE ACCOMPANIED BY A SITE PLAN RATHER THAN A PLAT AND TO PROVIDE THAT PROOF OF COMPLETION OF ANY REQUIRED PROFESSIONAL DEVELOPMENT IS REQUIRED FOR RENEWAL OF A WELL CONTRACTOR CERTIFICATE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Albertson:

S.B. 845, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN NATURAL RESOURCES LAWS TO CLARIFY THAT DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Albertson:

S.B. 846, 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 Senator Albertson:

S.B. 847, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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By Senators Hagan; Dorsett, Garrou and Tillman:

S.B. 848, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILDREN'S NATURE DISCOVERY CENTER AT THE NORTH CAROLINA ZOO.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hagan; Allran, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dorsett, East, Foriest, Forrester, Goodall, Hartsell, Jacumin, Jenkins, Kinnaird, Nesbitt, Queen, Shaw, Smith, Snow, Soles, Stevens, Tillman and Weinstein:

S.B. 849, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 850, A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELEMENT OF SERIOUS BODILY INJURY TO INJURY FOR THE PURPOSES OF STRIKING A PERSON WHILE PASSING A STOPPED SCHOOL BUS AND TO MAKE A CONFORMING CHANGE TO THE DEFINITION OF SCHOOL BUS IN THE DEFINITIONS.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 851, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADDITIONAL DISTRICT COURT JUDGE FOR DISTRICT COURT DISTRICT 19A.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hoyle; Albertson, Apodaca, Berger of Franklin, Bingham, Brown, East, Foriest, Goodall, Hartsell, Jones, Kinnaird, Purcell, Queen, Snow and Tillman:

S.B. 852, 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, AND TO PROVIDE FUNDS FOR GRANTS TO COUNTIES FOR PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

By Senators Jacumin; and Bingham:

S.B. 853, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE A RULE ADOPTED BY THE NORTH CAROLINA COMMISSION ON HEALTH SERVICES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

March 19, 2007

By Senator Snow:

S.B. 854, A BILL TO BE ENTITLED AN ACT AMENDING THE PRIVATE PROTECTIVE SERVICES ACT.

Referred to the **Judiciary II Committee**.

By Senator Snow:

S.B. 855, A BILL TO BE ENTITLED AN ACT TO EXEMPT PRIVATE INVESTIGATORS LICENSED BY THE PRIVATE PROTECTIVE SERVICES BOARD OF THE DEPARTMENT OF JUSTICE FROM THE WINDOW TINTING REQUIREMENTS OF CHAPTER 20 OF THE GENERAL STATUTES.

Referred to the **Judiciary II Committee**.

By Senator Snow:

S.B. 856, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES.

Referred to the **Ways & Means Committee**.

By Senator Snow:

S.B. 857, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR HOSPICE CARE IN NORTH CAROLINA.

Referred to the **Finance Committee**.

By Senator Snow:

S.B. 858, 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 Snow:

S.B. 859, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO VARIOUS COUNTIES IN WESTERN NORTH CAROLINA FOR THE PURCHASE OF A NARTEST SYSTEM.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Pittenger; Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Smith and Tillman:

S.B. 860, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE CONTROLLER TO ESTABLISH AND MAINTAIN A SEARCHABLE WEB SITE OF STATE AWARDS.

Referred to the **Appropriations/Base Budget Committee**.

March 19, 2007

By Senators Garrou, Hagan, Preston, Dalton; Queen and Tillman:

S.B. 861, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE NORTH CAROLINA PTA PARENTAL INVOLVEMENT INITIATIVE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Dorsett, Foriest, Kinnaird, Malone and Rand:

S.B. 862, A BILL TO BE ENTITLED AN ACT TO ALLOW REGULATION OF SMOKING ON THE CAMPUSES OF THE UNC HEALTH CARE SYSTEM, THE FACILITIES OF THE EAST CAROLINA SCHOOL OF MEDICINE AND PHYSICIANS PRACTICE PLAN, AND THE BUILDINGS AND GROUNDS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Health Care Committee**.

By Senators Purcell, Dannelly, Dorsett; Foriest, Kinnaird, Malone and Rand:

S.B. 863, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD WELFARE COLLABORATIVE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Purcell:

S.B. 864, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE.

Referred to the **Health Care Committee**.

By Senators Snow, Swindell; and Queen:

S.B. 865, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR REGIONAL COUNCILS OF GOVERNMENT TO DEVELOP AND IMPLEMENT A WATER RESOURCE MANAGEMENT PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Swindell:

S.J.R. 866, A JOINT RESOLUTION SETTING THE DATE FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

Referred to the **Education/Higher Education Committee**.

By Senators Boseman and Stevens:

S.B. 867, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT EFFICIENCIES WITHIN THE UNIVERSITY SYSTEM AS RECOMMENDED BY THE PRESIDENT'S ADVISORY COMMITTEE ON EFFICIENCY AND EFFECTIVENESS (PACE).

Referred to the **Education/Higher Education Committee**.

March 19, 2007

By Senator Apodaca:

S.B. 868, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WATER THAT IS REPRESENTED AS SPRING WATER AND OFFERED FOR SALE AS A BEVERAGE IS MISBRANDED AND, AS SUCH, THE PERSONS WHO BOTTLE, SELL, OR DELIVER SUCH ITEM ARE SUBJECT TO CIVIL AND CRIMINAL PENALTIES AND INJUNCTIONS, UNLESS IT IS NATURAL SPRING WATER, WHICH IS WATER THAT IS DERIVED FROM AN UNDERGROUND LAND FORMATION FROM WHICH THE WATER FREELY FLOWS WITHOUT THE USE OF A BOREHOLE AND WITHOUT THE AID OF MECHANICAL MEANS AND THAT IS COLLECTED AT THE SPRING'S NATURAL ORIFICE IN THE EARTH'S SURFACE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Boseman:

S.B. 869, A BILL TO BE ENTITLED AN ACT TO ADD FELONY CHILD ABUSE TO THE LIST OF SEX OFFENDER REGISTRY OFFENSES WHEN THE OFFENSE INVOLVES PROSTITUTION OF A JUVENILE OR THE COMMISSION OF A SEXUAL ACT UPON A JUVENILE, TO REQUIRE THAT A SEX OFFENDER REGISTER HIS OR HER ELECTRONIC MAIL ADDRESS OR OTHER ONLINE IDENTIFIER IN THE STATEWIDE SEX OFFENDER REGISTRY, TO ALLOW LIMITED RELEASE OF ONLINE IDENTIFIER INFORMATION IN THE SEX OFFENDER REGISTRY TO CERTAIN ENTITIES THAT PROVIDE ELECTRONIC MAIL SERVICES AND OTHER INTERNET SERVICES FOR THE PURPOSE OF SCREENING ONLINE USERS, TO PROVIDE THAT THE COURT MAY ORDER A CONVICTED SEX OFFENDER WHO FAILS TO REGISTER AS A SEX OFFENDER TO FORFEIT CERTAIN LICENSING PRIVILEGES, TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP PROCEDURES TO ENSURE TIMELY NOTIFICATION OF THE DIVISION OF CRIMINAL STATISTICS AND SHERIFFS OF PERSONS REQUIRED TO REGISTER WHO ARE NOT SENTENCED TO ACTIVE TIME, AND TO APPROPRIATE FUNDS FOR THE GOVERNOR'S CRIME COMMISSION TO USE TO AWARD AS MATCHING GRANTS TO ELIGIBLE SHERIFFS' OFFICES TO ENHANCE AND SUPPORT THEIR EFFORTS TO ENFORCE THE STATE'S SEX OFFENDER LAWS.

Referred to the **Judiciary I Committee**.

By Senator Boseman:

S.B. 870, A BILL TO BE ENTITLED AN ACT TO ADOPT THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS' MODEL ACT ON CUSTODIAL AGREEMENTS AND CLEARING CORPORATIONS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

March 19, 2007

By Senator Boseman:

S.B. 871, A BILL TO BE ENTITLED AN ACT EXEMPTING COUNTY-OWNED HOSPITALS FROM MOST STATUTORY REQUIREMENTS GOVERNING PUBLIC CONTRACTS.

Referred to the **Judiciary I Committee**.

By Senator Boseman:

S.B. 872, A BILL TO BE ENTITLED AN ACT TO ADOPT THE THALIAN ASSOCIATION AT WILMINGTON, NORTH CAROLINA, AS THE OFFICIAL COMMUNITY THEATER OF NORTH CAROLINA.

Referred to the **State & Local Government Committee**.

By Senators Cowell; Hunt, Malone and Stevens:

S.B. 873, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FAMILY VIOLENCE PREVENTION CENTER (INTERACT) TO RENOVATE THE OBERLIN ROAD YWCA IN WAKE COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Cowell; and Malone:

S.B. 874, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS.

Referred to the **Education/Higher Education Committee**.

By Senators Cowell; Dalton, Hoyle, Jenkins and Stevens:

S.B. 875, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE TAX CREDIT FOR RESEARCH AND DEVELOPMENT EXPENDITURES.

Referred to the **Finance Committee**.

By Senators Cowell; Dorsett and Berger of Franklin:

S.B. 876, A BILL TO BE ENTITLED AN ACT INCREASING THE AMOUNT OF TIME AN AGENCY HAS TO REQUEST A REVIEW OF A DECISION BY THE STATE CHIEF INFORMATION OFFICER TO DENY OR SUSPEND APPROVAL OF AN INFORMATION TECHNOLOGY PROJECT OR DENY A REQUEST FOR A DEVIATION.

Referred to the **Information Technology Committee**.

By Senator Bingham:

S.B. 877, A BILL TO BE ENTITLED AN ACT TO DEEM VOLUNTEER HEALTH CARE PROVIDERS AS STATE AGENTS FOR DELIVERY OF CERTAIN HEALTH CARE SERVICES TO PATIENTS OF CLINICS THAT PROVIDE HEALTH CARE SERVICES WITHOUT CHARGE TO ENCOURAGE VOLUNTEERISM AT SUCH CLINICS.

Referred to the **Judiciary I Committee**.

March 19, 2007

By Senators Cowell; Berger of Franklin, Dorsett and Rand:

S.B. 878, A BILL TO BE ENTITLED AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES.

Referred to the **Information Technology Committee**.

By Senators Cowell; Berger of Franklin and Dorsett:

S.B. 879, A BILL TO BE ENTITLED AN ACT PROVIDING FOR ADDITIONAL PROJECT MANAGERS ON INFORMATION TECHNOLOGY PROJECTS AND INCREASING THE THRESHOLD FOR THE MANDATORY DESIGNATION OF PROJECT MANAGER ASSISTANTS BY THE STATE CHIEF INFORMATION OFFICER.

Referred to the **Information Technology Committee**.

By Senator Berger of Franklin:

S.B. 880, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A BOND FORFEITURE SHALL BE SET ASIDE IF THE DEFENDANT FAILED TO APPEAR BECAUSE THE DEFENDANT WAS INCARCERATED ANYWHERE IN THE UNITED STATES.

Referred to the **Judiciary II Committee**.

By Senator Berger of Franklin:

S.B. 881, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RESIDENCY REQUIREMENTS FOR LICENSURE UNDER THE LAWS PERTAINING TO BAIL BONDSMEN AND RUNNERS.

Referred to the **Judiciary II Committee**.

By Senator Rand:

S.B. 882, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INDUSTRIAL COMMISSION TO EMPLOY SWORN LAW ENFORCEMENT OFFICERS TO PERFORM FRAUD INVESTIGATIONS.

Referred to the **Judiciary I Committee**.

By Senators Rand and Kinnaird:

S.B. 883, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SENTENCING SERVICES PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 884, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE PROHIBITION AGAINST CERTAIN SPOUSES OF MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA,

MEMBERS OF THE BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION, OR MEMBERS OF THE STATE BOARD OF COMMUNITY COLLEGES FROM BEING EMPLOYEES OR OFFICERS OF THE STATE.

Referred to the **Education/Higher Education Committee**.

By Senator Rand:

S.B. 885, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO USE AVAILABLE FUNDS TO PLACE MORE JUVENILES IN THE ECKERD WILDERNESS CAMP PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 886, A BILL TO BE ENTITLED AN ACT TO PROTECT MEMBERS OF THE UNITED STATES ARMED FORCES FROM DISHONEST AND PREDATORY LIFE INSURANCE AND ANNUITY SALES PRACTICES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Atwater:

S.B. 887, A BILL TO BE ENTITLED AN ACT TO DIVIDE PROSECUTORIAL DISTRICT 11 INTO DISTRICTS 11A AND 11B.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Atwater; Albertson, Allran, Berger of Franklin, Blake, Boseman, Brown, Brunstetter, Dalton, East, Foriest, Forrester, Goodall, Kerr, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Stevens and Weinstein:

S.B. 888, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION TO REVIEW THE BENEFITS PROVIDED THROUGH THE NORTH CAROLINA NATIONAL GUARD PENSION FUND.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Atwater:

S.J.R. 889, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BROADWAY ON THE TOWN'S CENTENNIAL ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Atwater:

S.B. 890, 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**.

March 19, 2007

By Senators Malone; Albertson, Atwater, Cowell, Dannelly, Dorsett, Foriest, Jenkins, Jones, Purcell, Shaw, Stevens and Swindell:

S.B. 891, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES TO HELP UNDERWRITE THE COST OF NC LIVE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Malone; Albertson, Cowell, Dannelly, Dorsett, Goss, Jenkins, Jones, Purcell, Rand, Shaw, Stevens and Swindell:

S.B. 892, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SALARY SCHEDULE RATE INCREASE FOR CERTIFIED PERSONNEL OF THE PUBLIC SCHOOLS WHO ARE PAID ON THE ADVANCED DEGREE (SIXTH YEAR) OR DOCTORATE DEGREE SALARY SCHEDULE.

Referred to the **Education/Public Instruction Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Malone; Albertson, Cowell, Dannelly, Dorsett, Goss, Jenkins, Jones, Purcell, Rand, Shaw, Stevens and Swindell:

S.B. 893, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SALARY SCHEDULE RATE INCREASE FOR CERTIFIED PERSONNEL OF THE PUBLIC SCHOOLS WHO ARE CLASSIFIED AS "M" TEACHERS.

Referred to the **Education/Public Instruction Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Malone; Albertson, Atwater, Berger of Franklin, Dannelly, Dorsett, Foriest, Goss, Jenkins, Jones, Purcell, Rand, Shaw and Stevens:

S.B. 894, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR STATE EMPLOYEES AND PUBLIC SCHOOL EMPLOYEES.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Brown; Atwater, Blake, Brock, East, Goodall, Hunt, Jacumin, Pittenger, Preston, Smith and Tillman:

S.B. 895, A BILL TO BE ENTITLED AN ACT TO ELIMINATE PROPERTY TAXES FOR VETERANS RECEIVING COMPENSATION FOR A PERMANENT AND TOTAL SERVICE-CONNECTED DISABILITY.

Referred to the **Finance Committee**.

By Senators Brock; Allran, Blake, Brown, East, Forrester, Hunt, Jacumin and Tillman:

S.B. 896, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUMAN CLONING.

Referred to the **Health Care Committee**.

March 19, 2007

By Senators Brock; Allran, Brown, Forrester, Goodall and Jacumin:

S.B. 897, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "CHOOSE LIFE" SPECIAL LICENSE PLATE.

Referred to the **Finance Committee**.

By Senator Rand:

S.B. 898, 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 Rand:

S.B. 899, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF THE SCHOOLS ATTUNED PROGRAM IN THE NORTH CAROLINA PUBLIC SCHOOLS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 900, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF RECOUPMENT SURCHARGE ON AUTOMOBILE LIABILITY INSURANCE POLICIES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Rand:

S.B. 901, A BILL TO BE ENTITLED AN ACT TO REVISE THE AUTOMOBILE LIABILITY INSURANCE RATE FILING REVIEW PROCESS TO INCLUDE THE USE OF A SPECIAL JUDGE FOR RATE FILING CASES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 232 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY STRATEGIES FOR RECOVERING COSTS DUE TO DAMAGED AND LOST TEXTBOOKS.

Referred to the **Education/Higher Education Committee**.

H.B. 254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

Referred to the **State & Local Government Committee**.

March 19, 2007

H.B. 278, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF NORTH TOPSAIL BEACH TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

Referred to the **State & Local Government Committee**.

H.B. 279, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NORTH TOPSAIL BEACH TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

Referred to the **State & Local Government Committee**.

H.B. 424, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RESPITE CARE AND TO RECOMMEND WAYS TO IMPROVE THE CURRENT RESPITE CARE DELIVERY SYSTEM.

Referred to the **Health Care Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:27 P.M.

THIRTY-SECOND DAY

Senate Chamber
Tuesday, March 20, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"God of wisdom and truth, Will Rogers once said, 'We are all ignorant, only on different subjects.' Holy Scripture puts it more positively, 'We have gifts that differ according to the grace given to us.' Help us to claim and use our gifts where we are able, including the gift of silence in matters where we have nothing better to contribute. Amen."

The Chair grants a leave of absence for today to Senator Dorsett.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, March 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

March 20, 2007

The Chair extends privileges of the floor to Dr. Sandeep Tiwari from Roanoke Rapids, North Carolina, who is serving the Senate as Doctor of the Day, and to Jean Melville from Clayton, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 321, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ERIC SCHOPLER, A PIONEER IN THE TREATMENT OF AUTISM. (Res. 17)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 613, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 611, A BILL TO BE ENTITLED AN ACT TO RECODIFY THE LAWS COVERING SERVICE AGREEMENTS, with a favorable report.

S.B. 658, A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA FOR THE ASSESSMENT OF BANKS AND STATE TRUST COMPANIES, with a favorable report.

S.B. 757, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR NURSING TO THE DEPARTMENT OF ADMINISTRATION AND TO AMEND THE APPOINTMENT PROCEDURE FOR ONE OF THE BOARD MEMBERS, with a favorable report.

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 211, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING ELECTRONIC SIGNATURES BY CLARIFYING THAT PUBLIC AGENCIES MAY USE, AS WELL AS ACCEPT, ELECTRONIC SIGNATURES, with a favorable report.

March 20, 2007

S.B. 630, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA ARBORETUM TO ESTABLISH A CAMPUS LAW ENFORCEMENT AGENCY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75328, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 557, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75330, which changes the title to read **S.B. 557** (Committee Substitute), 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, TO STUDY ALTERNATIVE FUEL AND FEED SOURCES, AND TO ESTABLISH A CENTER TO STUDY CLEAN USE OF TRADITIONAL ENERGY SOURCES AND ALTERNATIVE RENEWABLE ENERGY SOURCES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator East for the **State & Local Government Committee**:

S.B. 79, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEER SEASONS AND REMOVE BAG LIMITS ON DEER IN ORDER TO REDUCE THE DEER POPULATION IN THE STATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75254, which changes the title to read **S.B. 79** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEER SEASONS AND REMOVE BAG LIMITS ON ANTLERLESS DEER IN ORDER TO REDUCE THE DEER POPULATION IN THE STATE, is adopted and engrossed.

S.B. 274, A BILL TO BE ENTITLED AN ACT TO CHANGE THE STATE-RECOGNIZED NAME OF THE MEHERRIN TRIBE TO THE MEHERRIN-CHOWANOKE NATION, IN ORDER TO RECOGNIZE THE HISTORIC MERGER OF MEMBERS OF THE CHOWANOKE TRIBE INTO THE MEHERRIN COMMUNITY, with a favorable report.

March 20, 2007

S.B. 335, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED THROUGH A SPECIAL ELECTION PROCESS IN SOME CIRCUMSTANCES, with a favorable report.

S.B. 349, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF CARY TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES, with a favorable report.

S.B. 350, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF APEX AND GARNER TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS, with a favorable report.

H.B. 217, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CORNELIUS AND DAVIDSON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 74 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD VARIOUS MUNICIPALITIES TO THE AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, March 21, for concurrence.

H.B. 366 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF CARY AND THE CITY OF HENDERSONVILLE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

Referred to the **State & Local Government Committee**.

H.B. 543, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TRAPPING AND SALE OF FOXES IN ASHE COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 544, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TAKING OF RACCOONS BY TRAPPING IN ASHE COUNTY.

Referred to the **State & Local Government Committee**.

March 20, 2007

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 336 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SWAIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: Senator Forrester---1.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: Senators Forrester and Pittenger---2.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 260 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING CERVICAL CANCER, CERVICAL DYSPLASIA, HUMAN PAPILOMAVIRUS, AND THE VACCINES AVAILABLE TO PREVENT THESE DISEASES, as amended on second reading.

The Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives.

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SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Ryan Davis, Nashville; Alex Fatheree, Rocky Mount; Chauncey Feimster, Gastonia; Jackson Gladden, Wallace; Theron Hollar, Crossnore; Steven Horne, Gastonia; Jasmine Hunter, Wade; Adara Ingram, Fayetteville; Michelle Pujals, Raleigh; Myia Stephenson, Rich Square; Christine Stroup, High Point; Hans Umana-Lein, Apex; Jessica Weaver, Sharpsburg; and Kasey Weaver, Rocky Mount.

WITHDRAWAL FROM COMMITTEE

S.B. 621, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE ECONOMIC GROWTH IN RURAL NORTH CAROLINA BY EXPANDING THE SMALL TOWNS ECONOMIC PROSPERITY PROGRAM AND INCENTIVES TO REUSE AND RENOVATE VACANT BUILDINGS AND TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER, INC., FOR THE SMALL TOWNS ECONOMIC PROSPERITY PROGRAM AND THE BUILDING REUSE PROGRAM, referred to the **Finance Committee** on Monday, March 12.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and refers the measure to the **Appropriations/Base Budget Committee**.

S.B. 679, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE EXISTING ENVIRONMENTAL MANAGEMENT COMMISSION AND REPLACE IT WITH A NEW, FULL-TIME ENVIRONMENTAL MANAGEMENT COMMISSION MODELED ON THE UTILITIES COMMISSION; TO IMPROVE EFFICIENCY, COMMUNICATION, AND COORDINATION WITHIN STATE GOVERNMENT IN THE DEVELOPMENT AND IMPLEMENTATION OF ENVIRONMENTAL AND NATURAL RESOURCES POLICY AND TO REDUCE COSTS BY ELIMINATING THE FOLLOWING AGENCIES AND CONSOLIDATING THEIR POWERS, DUTIES, AND FUNCTIONS IN THE NEW ENVIRONMENTAL MANAGEMENT COMMISSION: (1) THE COASTAL RESOURCES COMMISSION, (2) THE EXISTING ENVIRONMENTAL MANAGEMENT COMMISSION, (3) THE MARINE FISHERIES COMMISSION, (4) THE MINING COMMISSION, (5) THE RADIATION PROTECTION COMMISSION, (6) THE SEDIMENTATION CONTROL COMMISSION, (7) THE SOIL AND WATER CONSERVATION COMMISSION, (8) THE WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION, (9) THE WATER

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TREATMENT FACILITY OPERATORS BOARD OF CERTIFICATION, AND (10) THE WELL CONTRACTORS CERTIFICATION COMMISSION; TO TRANSFER RULE-MAKING RESPONSIBILITY UNDER THE FOLLOWING ARTICLES OF CHAPTER 130A OF THE GENERAL STATUTES FROM THE COMMISSION FOR HEALTH SERVICES TO THE NEW ENVIRONMENTAL MANAGEMENT COMMISSION: ARTICLE 9 (SOLID WASTE MANAGEMENT), ARTICLE 10 (DRINKING WATER ACT), AND ARTICLE 11 (WASTEWATER SYSTEMS); AND TO MAKE CONFORMING STATUTORY AND BUDGET CHANGES, referred to the **Commerce, Small Business and Entrepreneurship Committee** on Tuesday, March 13.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce, Small Business and Entrepreneurship 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 **Commerce, Small Business and Entrepreneurship Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

ADDITIONAL SPONSORS

Senator Brown requests to be added as a sponsor of previously introduced legislation:

S.B. 892, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SALARY SCHEDULE RATE INCREASE FOR CERTIFIED PERSONNEL OF THE PUBLIC SCHOOLS WHO ARE PAID ON THE ADVANCED DEGREE (SIXTH YEAR) OR DOCTORATE DEGREE SALARY SCHEDULE.

S.B. 893, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SALARY SCHEDULE RATE INCREASE FOR CERTIFIED PERSONNEL OF THE PUBLIC SCHOOLS WHO ARE CLASSIFIED AS "M" TEACHERS.

S.B. 894, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR STATE EMPLOYEES AND PUBLIC SCHOOL EMPLOYEES.

Senator Cowell requests to be added as a sponsor of previously introduced legislation:

S.B. 783, A BILL TO BE ENTITLED AN ACT TO EXEMPT FUNDS EXPENDED TO RECONSTRUCT THAT PORTION OF INTERSTATE 40 FROM N.C. HIGHWAY 147 TO U.S. 15-501 IN DURHAM COUNTY FROM THE EQUITY FORMULA FOR THE HIGHWAY TRUST FUND.

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Senator Hunt requests to be added as a sponsor of previously introduced legislation:

S.B. 783, A BILL TO BE ENTITLED AN ACT TO EXEMPT FUNDS EXPENDED TO RECONSTRUCT THAT PORTION OF INTERSTATE 40 FROM N.C. HIGHWAY 147 TO U.S. 15-501 IN DURHAM COUNTY FROM THE EQUITY FORMULA FOR THE HIGHWAY TRUST FUND.

Senator Preston requests to be added as a sponsor of previously introduced legislation:

S.B. 35, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ADD AN ADDITIONAL STEP TO THE TEACHER SALARY SCHEDULES.

S.B. 504, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITIES IN SCHOOLS OF NORTH CAROLINA, INC., PROGRAMS AND SERVICES AND FOR FIVE ADDITIONAL PERFORMANCE LEARNING CENTERS (PLC).

Senator Stevens requests to be added as a sponsor of previously introduced legislation:

S.B. 783, A BILL TO BE ENTITLED AN ACT TO EXEMPT FUNDS EXPENDED TO RECONSTRUCT THAT PORTION OF INTERSTATE 40 FROM N.C. HIGHWAY 147 TO U.S. 15-501 IN DURHAM COUNTY FROM THE EQUITY FORMULA FOR THE HIGHWAY TRUST FUND.

Senator Tillman requests to be added as a sponsor of previously introduced legislation:

S.B. 892, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SALARY SCHEDULE RATE INCREASE FOR CERTIFIED PERSONNEL OF THE PUBLIC SCHOOLS WHO ARE PAID ON THE ADVANCED DEGREE (SIXTH YEAR) OR DOCTORATE DEGREE SALARY SCHEDULE.

S.B. 893, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SALARY SCHEDULE RATE INCREASE FOR CERTIFIED PERSONNEL OF THE PUBLIC SCHOOLS WHO ARE CLASSIFIED AS "M" TEACHERS.

S.B. 894, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR STATE EMPLOYEES AND PUBLIC SCHOOL EMPLOYEES.

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Upon motion of Senator Dannelly, seconded by Senator Garrou, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet Wednesday, March 21, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Soles; and Jones:

S.B. 902, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STATE'S SEVEN REGIONAL ECONOMIC DEVELOPMENT PARTNERSHIPS TO IMPLEMENT THEIR VISION PLANS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Goss:

S.B. 903, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADVANCED MATERIALS CENTER WITHIN THE SERVICE AREA OF WILKES COMMUNITY COLLEGE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 904, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL AMENDMENT TO THE GENERAL STATUTES.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 905, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL AMENDMENT TO THE GENERAL STATUTES.

Referred to the **Judiciary I Committee**.

By Senator Queen:

S.B. 906, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO YANCEY COUNTY FOR THE YANCEY COUNTY SENIOR CENTER.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 907, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE A+ SCHOOLS PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 908, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SOUTH TOE VOLUNTEER FIRE AND RESCUE FOR DRY HYDRANTS.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Queen:

S.B. 909, 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 Senators Nesbitt; Apodaca, Berger of Franklin, Cowell, Jones, Kinnaird, Queen and Snow:

S.B. 910, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA ASSOCIATION FOR HEALTHCARE ACCESS (NCAHA), A NONPROFIT ORGANIZATION, FOR OPERATIONS, BOARD DEVELOPMENT, AND OTHER PURPOSES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Nesbitt; Apodaca, Queen and Snow:

S.B. 911, 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**.

By Senators Nesbitt; Apodaca, Queen and Snow:

S.B. 912, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR IMPROVEMENTS OF THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Nesbitt; and Apodaca:

S.B. 913, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADDITION TO THE RHODODENDRON ALLIED HEALTH CENTER AT ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Nesbitt; Jones and Tillman:

S.B. 914, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE.

Referred to the **Education/Public Instruction Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 915, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, ORGANIZATIONAL, AND NONSUBSTANTIVE CHANGES ONLY TO THE LAW REGARDING THE LICENSURE AND INSPECTION OF

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FACILITIES FOR AGED AND DISABLED INDIVIDUALS FOR PURPOSES OF CLARIFICATION OF THE CURRENT LAW.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Nesbitt; Apodaca, Queen and Snow:

S.B. 916, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE FIRST STEP FARM OF WNC, INC.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 917, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE UP TO THREE COMMUNITY-BASED CLEAN-SYRINGE-SAFE-SYRINGE EXCHANGE PROGRAMS IN COUNTIES OR DISTRICTS THAT APPLY AND ARE SELECTED TO PARTICIPATE BY THE STATE HEALTH DIRECTOR; AND TO APPROPRIATE FUNDS FOR THE PROGRAMS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 918, A BILL TO BE ENTITLED AN ACT TO AMEND THE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES STATUTES AND TO RENAME MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES.

Referred to the **Health Care Committee**.

By Senators Queen and Tillman:

S.B. 919, A BILL TO BE ENTITLED AN ACT TO PERMIT NATIONALLY CERTIFIED TEACHERS WHO BECOME PRINCIPALS OR ASSISTANT PRINCIPALS TO RETAIN THE NBPTS SALARY INCENTIVE AND TO APPROPRIATE FUNDS FOR THIS PURPOSE.

Referred to the **Education/Public Instruction Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 920, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR THE ADMINISTRATION OF THE TEACHING FELLOWS PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 921, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO FULLY FUND THE SCHOLARSHIPS AUTHORIZED FOR THE TEACHING FELLOWS PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Queen:

S.B. 922, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE TEACHER CADET PROGRAM TO ALL COUNTIES IN THE STATE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 923, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN INTERNATIONAL STUDIES PILOT PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Brunstetter:

S.B. 924, A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELEMENT MAKING PASSING A STOPPED SCHOOL BUS AND STRIKING A PERSON A FELONY FROM REQUIRING "SERIOUS BODILY INJURY" AND REMOVING THE REQUIREMENT OF SIGNAGE BEING AT LEAST EIGHT INCHES FROM THE DEFINITION OF SCHOOL BUS TO CORRESPOND TO THE CHANGES MADE TO G.S. 20-217 IN THE 2005 SESSION.

Referred to the **Judiciary I Committee**.

By Senator Cowell:

S.B. 925, A BILL TO BE ENTITLED AN ACT TO CREATE A TRANSFER ON DEATH PROVISION FOR MOTOR VEHICLES TITLED IN NORTH CAROLINA TO ALLOW BENEFICIARIES TO TAKE TITLE OF THE MOTOR VEHICLE UPON THE DEATH OF AN OWNER OR OWNERS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Cowell:

S.B. 926, A BILL TO BE ENTITLED AN ACT TO STUDY DECONSTRUCTION OF INACTIVE DAMS LOCATED IN NORTH CAROLINA.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou:

S.B. 927, A BILL TO BE ENTITLED AN ACT TO CREATE THE GREEN SCHOOL CONSTRUCTION REVOLVING LOAN FUND TO BE USED FOR NO-INTEREST LOANS TO LOCAL BOARDS OF EDUCATION FOR CERTAIN ENERGY-RELATED CONSTRUCTION, COMMISSIONING, AND INSTALLATION PROJECTS AND TO ESTABLISH THE GREEN SCHOOL CONSTRUCTION PROGRAM, A VOLUNTARY PROGRAM FOR THE CONSTRUCTION OR MAJOR RENOVATION OF HIGH-

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PERFORMANCE SCHOOL BUILDINGS.

Referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou:

S.B. 928, A BILL TO BE ENTITLED AN ACT TO ALLOW THE LEGISLATIVE RESEARCH COMMISSION TO STUDY REQUIRING PROOF OF CONTINUOUS FINANCIAL RESPONSIBILITY TO MAINTAIN A NORTH CAROLINA DRIVERS LICENSE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Jones:

S.B. 929, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY ACTION AGENCIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jones:

S.B. 930, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GRANTING AUTHORITY TO PRIVATE CORRECTIONAL OFFICERS EMPLOYED PURSUANT TO A CONTRACT WITH THE FEDERAL BUREAU OF PRISONS.

Referred to the **Judiciary II Committee**.

By Senator Jones:

S.J.R. 931, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR ROBERT L. HOLLOMAN.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Kinnaird:

S.B. 932, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CHANGE TO THE LAW STATING THE PURPOSE OF JUVENILE DISPOSITIONS.

Referred to the **Judiciary I Committee**.

By Senator Kinnaird:

S.B. 933, A BILL TO BE ENTITLED AN ACT TO REALLOCATE THREE MONTHS FROM THE MINIMUM SENTENCE OF CLASSES B1 THROUGH E TO THE MAXIMUM SENTENCE, AND TO INCREASE THE PERIOD OF POST-RELEASE SUPERVISION FROM NINE MONTHS TO TWELVE MONTHS.

Referred to the **Judiciary I Committee**.

By Senator Kinnaird:

S.B. 934, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN GROUNDS FOR TERMINATING PARENTAL RIGHTS UNDER THE LAWS PERTAINING TO TERMINATION OF PARENTAL RIGHTS.

Referred to the **Judiciary I Committee**.

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By Senator Kinnaird:

S.B. 935, A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE PRIOR RECORD LEVEL POINT RANGES IN ORDER TO EXPAND THE POINTS IN PRIOR RECORD LEVEL I AND TO EVEN OUT THE REMAINING RANGES.

Referred to the **Judiciary I Committee**.

By Senator Queen:

S.B. 936, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A COMPREHENSIVE STATE EDUCATION DATA WAREHOUSE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 937, 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 Senators Dorsett; and Hagan:

S.B. 938, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE GREENSBORO SYMPHONY SOCIETY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dorsett; Albertson, Cowell, Dannelly, Malone and Purcell:

S.B. 939, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE ENERGY OFFICE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dorsett; Albertson, Cowell, Dannelly, Malone and Purcell:

S.B. 940, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE RETIREMENT SYSTEM DIVISION OF THE DEPARTMENT OF STATE TREASURER TO PROVIDE DIRECT ACCESS TO INFORMATION REQUESTED BY THE FISCAL RESEARCH DIVISION.

Referred to the **Judiciary II Committee**.

By Senators Dorsett; Albertson, Cowell, Dannelly, Malone and Purcell:

S.B. 941, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CREATION OF THREE DATA ENTRY POSITIONS IN THE DEPARTMENT OF STATE TREASURER TO ASSIST WITH THE UNCLAIMED PROPERTY PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Dalton:

S.B. 942, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENT AUTHORITY TO PLACE SIGNAGE, FOR A LOCAL

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PUBLIC PURPOSE, IN THE RIGHT-OF-WAY OF AN INTERSTATE HIGHWAY OR PRIMARY STATE HIGHWAY.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Dalton:

S.B. 943, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE EARL SCRUGGS/DON GIBSON SOUTHERN MUSIC TOURISM FACILITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Dalton:

S.B. 944, A BILL TO BE ENTITLED AN ACT TO MAKE LEAVING THE SCENE OF AN ACCIDENT WHERE A PERSON SUFFERS SERIOUS BODILY INJURY A CLASS F FELONY.

Referred to the **Judiciary II Committee**.

By Senator Dalton:

S.B. 945, 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**.

By Senators Tillman; Albertson, Apodaca, Blake, Brown, East, Forrester, Goss, Hunt, Jacumin, Malone, Pittenger, Preston, Queen and Weinstein:

S.B. 946, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ESTABLISH AND MAINTAIN AN ELECTRONIC PURCHASE LOG OF PSEUDOEPHEDRINE SALES AND TO REQUIRE RETAILERS OF PSEUDOEPHEDRINE PRODUCTS TO REPORT CONSUMER SALES OF THOSE PRODUCTS TO THE COMMISSION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Hagan:

S.B. 947, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CONFORMING, AND OTHER CHANGES TO THE UNIFORM TRUST CODE AND OTHER RELATED STATUTES.

Referred to the **Judiciary II Committee**.

By Senators Hagan; Cowell, Goss and Queen:

S.B. 948, A BILL TO BE ENTITLED AN ACT TO PROMOTE SMALL DAIRY SUSTAINABILITY BY ALLOWING CONSUMERS TO CONTRACT WITH LOCAL FARMERS TO PURCHASE FRESH MILK.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senators Clodfelter; and Hoyle:

S.B. 949, A BILL TO BE ENTITLED AN ACT TO STREAMLINE BUILDING CODE ADOPTION FOR GENERAL AND RESIDENTIAL CONSTRUCTION AND TO EXPEDITE DECISIONS OF THE BUILDING CODE COUNCIL.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Clodfelter; and Rand:

S.B. 950, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE ELIGIBLE TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter and Hartsell:

S.B. 951, A BILL TO BE ENTITLED AN ACT RELATING TO THE STATUS OF LOCAL ENTITY EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter and Hartsell:

S.B. 952, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MEDIATOR CERTIFICATION FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter; Atwater and Kinnaird:

S.B. 953, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THREE PILOT SELF-SERVE CENTERS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter; Dorsett and Kinnaird:

S.B. 954, A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

Referred to the **Select Committee on Government and Election Reform**.

By Senators Clodfelter; Atwater, Berger of Franklin, Cowell, Dorsett, Hartsell and Kinnaird:

S.B. 955, 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 Clodfelter; Atwater, Brunstetter, Hartsell, Kinnaird and Rand:

S.B. 956, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE

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FUNDS TO IMPLEMENT THE RECOMMENDATIONS OF THE STATE JUDICIAL COUNCIL'S STUDY ON JUDICIAL BRANCH SALARIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter; Brunstetter, Hagan, Hartsell, Kinnaird and Rand:

S.B. 957, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR NOMINATION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS, GUBERNATORIAL APPOINTMENT, AND RETENTION BY VOTE OF THE PEOPLE.

Referred to the **Ways & Means Committee**.

By Senators Clodfelter; and Rand:

S.B. 958, A BILL TO BE ENTITLED AN ACT TO CREATE AND PROVIDE FUNDS FOR THE RURAL OBSTETRICAL AND EMERGENCY DEPARTMENT CARE INCENTIVE FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter; Jones and Rand:

S.B. 959, A BILL TO BE ENTITLED AN ACT TO DIRECT A JOINT STUDY OF CREATING A SYSTEM OF NO-FAULT COMPENSATION FOR INJURIES RESULTING FROM CARE PROVIDED AT NURSING HOMES, HOMES FOR THE ELDERLY, OTHER LONG-TERM CARE FACILITIES, AND ASSISTED LIVING FACILITIES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Clodfelter; Atwater, Dannelly and Kinnaird:

S.B. 960, A BILL TO BE ENTITLED AN ACT TO INCREASE COURT FEES, TO PROVIDE ADDITIONAL FUNDING FOR COURT INFORMATION TECHNOLOGY, AND TO AMEND THE ACCESS TO CIVIL JUSTICE ACT.

Referred to the **Finance Committee**.

By Senator Atwater:

S.B. 961, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BRICK CAPITAL COMMUNITY DEVELOPMENT CORPORATION TO RENOVATE THE W. B. WICKER AUDITORIUM TO BE USED FOR PUBLIC EVENTS AND ACTIVITIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Atwater; and Rand:

S.B. 962, 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**.

March 20, 2007

By Senator Atwater:

S.B. 963, A BILL TO BE ENTITLED AN ACT RELATING TO THE HOURS OF LABOR AND VACATION OF MEMBERS OF MUNICIPAL FIRE DEPARTMENTS .

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Cowell; Boseman, Hunt, Malone, Snow and Stevens:

S.B. 964, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A RESIDENTIAL FACILITY AT THE PRAIRIE RIDGE FACILITY ECOSTATION FOR WILDLIFE AND LEARNING.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Cowell; Malone and Stevens:

S.B. 965, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FIRST FLIGHT VENTURE CENTER.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Cowell; Atwater, Hunt and Stevens:

S.B. 966, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR SALVAGE CENTERS.

Referred to the **Finance Committee**.

By Senators Cowell; Atwater and Bingham:

S.B. 967, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A MARKET RESEARCH FIRM TO CONDUCT A STUDY OF THE ECONOMIC OPPORTUNITIES OF EXPANDING AND DEVELOPING ORGANIC AGRICULTURE PRODUCTION, MARKETING, AND SUPPORTING BUSINESS ENTERPRISES IN NORTH CAROLINA.

Referred to the **Commerce, Small Business and Entrepreneurship Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Cowell; and Garrou:

S.B. 968, A BILL TO BE ENTITLED AN ACT TO REQUIRE HOSPITALS AND URGENT CARE FACILITIES THAT PROVIDE EMERGENCY CARE TO VICTIMS OF SEXUAL ASSAULT TO OFFER EMERGENCY CONTRACEPTION PILLS TO THOSE VICTIMS.

Referred to the **Health Care Committee**.

By Senator Cowell:

S.B. 969, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE OF REPOSE FOR PRODUCTS LIABILITY ACTIONS.

Referred to the **Judiciary I Committee**.

March 20, 2007

By Senators Cowell; and Berger of Franklin:

S.B. 970, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT.

Referred to the **Judiciary I Committee**.

By Senators Cowell; and Dorsett:

S.B. 971, A BILL TO BE ENTITLED AN ACT TO DENY STATE PROPERTY FIRE INSURANCE FUND COVERAGE FOR LOSSES INCURRED BY STATE AGENCIES THAT HAVE NOT SUBMITTED BUILDING CONSTRUCTION PLANS TO THE COMMISSIONER OF INSURANCE FOR APPROVAL.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Cowell; Boseman, Dorsett, Garrou, Hagan, Kinnaird and Preston:

S.B. 972, A BILL TO BE ENTITLED AN ACT TO PROVIDE EQUITY IN THE NUMBER OF WOMEN'S AND MEN'S BATHROOMS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Cowell; Berger of Franklin, Boseman, Dorsett, Foriest, Garrou, Goss, Graham, Hagan, Jones, Kinnaird, Malone, Preston, Purcell and Shaw:

S.B. 973, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INSTALL HISTORICAL PORTRAITS OF STATE SENATE LEADERS IN THE SENATE CHAMBER.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dannelly, Jenkins; Clodfelter, Graham and Malone:

S.B. 974, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMMUNITY INSTITUTIONS TO ASSIST SMALL FARMERS AND RURAL LANDOWNERS, SUPPORT ECONOMIC DEVELOPMENT ACTIVITIES IN MINORITY NEIGHBORHOODS AND COMMUNITIES, ASSIST MINORITY AND WOMEN-OWNED BUSINESSES, AND PROVIDE ACCESS TO AFFORDABLE FINANCE SERVICES AND ASSET BUILDING OPPORTUNITIES STATEWIDE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dannelly, Clodfelter, Graham, Goodall; Jones and Malone:

S.B. 975, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM AUTHORIZING THE IMPLEMENTATION OF ALTERNATIVE TEACHER SALARY PLANS.

Referred to the **Education/Public Instruction Committee**.

March 20, 2007

By Senator Boseman:

S.B. 976, A BILL TO BE ENTITLED AN ACT TO ALLOW TRANSPORTER PLATES TO BE ISSUED TO MEMBERS OF THE FILMMAKING INDUSTRY TO TRANSPORT VEHICLES TO AND FROM FILMING LOCATIONS.

Referred to the **Transportation Committee**.

By Senator Boseman:

S.B. 977, A BILL TO BE ENTITLED AN ACT MODIFYING THE LAW REGARDING SICK LEAVE BANKS FOR PUBLIC SCHOOL EMPLOYEES.

Referred to the **Education/Public Instruction Committee**.

By Senator Boseman:

S.B. 978, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SOCIAL SERVICES COMMISSION TO ADOPT RULES ESTABLISHING EDUCATIONAL REQUIREMENTS FOR STAFF EMPLOYED BY MATERNITY HOMES, CHILD-PLACING AGENCIES, AND RESIDENTIAL CHILD CARE FACILITIES.

Referred to the **Health Care Committee**.

By Senator Boseman:

S.B. 979, A BILL TO BE ENTITLED AN ACT TO ENSURE FAMILY SUPPORT GRANTS ARE PROVIDED TO COMMUNITY-BASED AGENCIES TO IMPLEMENT ONLY FAMILY SUPPORT PROGRAMS THAT ARE RESEARCH-BASED AND HAVE BEEN EVALUATED FOR EFFECTIVENESS UNDER THE LAWS PERTAINING TO THE FAMILY RESOURCE CENTER GRANT PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Boseman and Cowell:

S.B. 980, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE THE INVESTIGATION AND DISCIPLINE OF LAW ENFORCEMENT OFFICERS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Boseman:

S.B. 981, A BILL TO BE ENTITLED AN ACT TO AMEND EXISTING CHILD WELFARE LAWS TO COMPLY WITH FEDERAL LAW AND REGULATIONS.

Referred to the **Judiciary I Committee**.

By Senators Purcell; Atwater, Dorsett, Jones, Malone and Rand:

S.B. 982, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE REQUIREMENT FOR AN IMMUNIZATION CERTIFICATE FROM CERTAIN COLLEGE STUDENTS.

Referred to the **Health Care Committee**.

March 20, 2007

By Senators Purcell; Atwater, Dorsett, Jones, Malone and Rand:

S.B. 983, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE COMMUNITY FOCUSED ELIMINATING HEALTH DISPARITIES INITIATIVE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Atwater, Dorsett, Malone and Rand:

S.B. 984, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT A DIABETES EDUCATION UMBRELLA IN THE STATE HEALTH DIRECTOR'S OFFICE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Atwater, Dorsett, Goss, Malone and Rand:

S.B. 985, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DIABETES CONTROL AND PREVENTION.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Atwater, Dorsett, Goss, Malone and Rand:

S.B. 986, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STRENGTHEN SIDS RISK-REDUCTION EFFORTS AND FOR A STATEWIDE, ONGOING SAFE-SLEEP CAMPAIGN.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Atwater, Dorsett, Malone and Rand:

S.B. 987, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HIRE QUALIFIED INTERPRETERS BASED IN LOCAL HEALTH DEPARTMENTS TO COMPLY WITH FEDERAL PUBLIC HEALTH LAWS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Berger of Franklin; Boseman, Brock, Foriest, Hunt, Shaw, Snow and Tillman:

S.B. 988, A BILL TO BE ENTITLED AN ACT TO DEVELOP A STATE PORTAL TO VERIFY WORK ELIGIBILITY, TO REQUIRE A PAYER TO WITHHOLD STATE TAXES FROM COMPENSATION PAID TO AN UNAUTHORIZED ALIEN, AND TO MAKE FAILURE OF A PAYER TO WITHHOLD THE TAX DUE FROM AN ILLEGAL IMMIGRANT A FELONY.

Referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Berger of Franklin; Cowell, Kinnaird and Snow:

S.B. 989, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF FEMALE GENITAL MUTILATION.

Referred to the **Judiciary II Committee**.

March 20, 2007

By Senator Berger of Franklin:

S.B. 990, A BILL TO BE ENTITLED AN ACT TO CREATE A PRESUMPTION THAT CERTAIN INFECTIOUS DISEASES, RESPIRATORY DISEASE, HYPERTENSION OR HEART DISEASE, AND CERTAIN CANCERS ARE OCCUPATIONAL DISEASES FOR FIREFIGHTERS EMPLOYED BY LOCAL GOVERNMENTS THAT ARE COVERED BY THE WORKERS' COMPENSATION ACT.

Referred to the **Judiciary I Committee**.

By Senators Berger of Franklin and Purcell:

S.B. 991, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A GRANT PROGRAM FOR THE ESTABLISHMENT OF DOMESTIC VIOLENCE CENTERS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Berger of Franklin:

S.B. 992, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE ACCESS TO PREVENTION EDUCATION AND HIV PRIMARY CARE SERVICES IN RURAL CENTRAL NORTH CAROLINA.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Berger of Franklin:

S.B. 993, 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. 994, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A HOMELESS SHELTER FOR WOMEN IN FRANKLIN COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Berger of Franklin; Boseman and Kinnaird:

S.B. 995, A BILL TO BE ENTITLED AN ACT TO AMEND THE SCHEDULE OF INJURIES FOR AWARDS OF WORKERS' COMPENSATION FOR INJURIES AFFECTING SPECIFIC PARTS OF THE BODY TO ADD A MAXIMUM AWARD FOR SERIOUS INJURIES TO THE BRAIN, HEART, OR REPRODUCTIVE ORGANS.

Referred to the **Judiciary I Committee**.

By Senators Berger of Franklin; Kinnaird and Snow:

S.B. 996, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR COST-OF-LIVING ADJUSTMENTS IN WORKERS' COMPENSATION FOR EMPLOYEES WHO ARE PERMANENTLY AND TOTALLY DISABLED.

Referred to the **Judiciary I Committee**.

March 20, 2007

By Senators Berger of Franklin; Boseman and Kinnaird:

S.B. 997, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM AWARD UNDER THE WORKERS' COMPENSATION ACT FOR THE LOSS OR PERMANENT INJURY TO AN IMPORTANT ORGAN OR PART OF THE BODY NOT OTHERWISE ADDRESSED IN THE SCHEDULE OF INJURIES.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:59 P.M.

THIRTY-THIRD DAY

Senate Chamber
Wednesday, March 21, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Dr. Richard Land, Head of the Christian Ethics and Religious Liberty Commission of the Southern Baptist Convention, Nashville, Tennessee as follows:

"Father, we thank you for the opportunity of prayer. Help us to understand its responsibilities and obligations. I pray for your wisdom and your guidance and your direction for all of these public servants that have come here to give of their time and of their talents, to help govern this wonderful State. Father, we pray for safe keeping and watchful care for all of the members of our Armed Services as they defend our liberties, the liberties that we practice here in this Chamber, all around the world as they defend us and offer up their lives to defend our freedom. Father, I pray that you will pour down your blessings upon our Nation and upon this State. In these things I ask in Jesus name. Amen."

The Chair grants leaves of absence for today to Senator Dorsett and Senator Hagan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, March 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

March 21, 2007

The Chair extends privileges of the floor to Dr. Jennifer Yates from Castle Hayne, North Carolina, who is serving the Senate as Doctor of the Day, and to Karen Metzguer from Hillsborough, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

H.B. 61, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHILD RESTRAINT LAW TO ENSURE COMPLIANCE WITH FEDERAL REGULATIONS, with a favorable report.

H.B. 123, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE HEALTH DIRECTOR TO SHARE EMERGENCY DEPARTMENT DATA WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) FOR PUBLIC HEALTH PURPOSES, with a favorable report.

H.B. 124, A BILL TO BE ENTITLED AN ACT TO AMEND THE EMBARGO AUTHORITY OF THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH DIRECTORS, with a favorable report.

By Senator Clodfelter for the **Finance Committee**:

S.B. 16 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN, with a favorable report.

S.B. 382, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH, with a favorable report.

S.B. 570, A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF WATHA, with a favorable report.

S.B. 624, A BILL TO BE ENTITLED AN ACT PROVIDING THAT GATES COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER, with a favorable report.

March 21, 2007

S.B. 645, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SAMPSON COUNTY TO LEVY A ROOM OCCUPANCY TAX, with a favorable report.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 567, A BILL TO BE ENTITLED AN ACT TO PROMOTE ENERGY EFFICIENCY BY ALLOWING THE DISTRIBUTION OF E-BLEND FUELS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55368, is adopted and engrossed.

BILL FILING DEADLINE EXTENDED

Upon motion of Senator Rand and without objection, the rules are suspended, and the deadline for filing public bills and resolutions in the Principal Clerk's office is extended for public bills and resolutions to March 27, 2007, at 1:00 P.M.

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who appoints Senator Hoyle, Chair; Senator Forrester; Senator Dalton; and Senator Goss as the Committee to escort Mrs. Shannon Devine, Mrs. United States 2006, to the Well of the Senate.

RECOGNITION OF MRS. UNITED STATES 2006

Upon motion of Senator Hoyle, privileges of the floor are granted to Mrs. Shannon Devine, Mrs. United States 2006, who lives in Cherryville, North Carolina. She is escorted to the Well of the Senate and is recognized to address the Senate.

CALENDAR

With unanimous consent, upon motion of Senator Basnight, all bills on today's Calendar will be placed on the Calendar for Thursday, March 22, as unfinished business.

ADDITIONAL SPONSOR

Senator Foriest requests to be added as a sponsor of previously introduced legislation:

March 21, 2007

S.B. 974, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMMUNITY INSTITUTIONS TO ASSIST SMALL FARMERS AND RURAL LANDOWNERS, SUPPORT ECONOMIC DEVELOPMENT ACTIVITIES IN MINORITY NEIGHBORHOODS AND COMMUNITIES, ASSIST MINORITY AND WOMEN-OWNED BUSINESSES, AND PROVIDE ACCESS TO AFFORDABLE FINANCE SERVICES AND ASSET BUILDING OPPORTUNITIES STATEWIDE.

Upon motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns subject to introduction of bills and receipt of messages from the House of Representatives, to meet Thursday, March 22, at 11:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Rand; and Jones:

S.B. 998, A BILL TO BE ENTITLED AN ACT TO REVISE THE SCHOOL TRANSPORTATION FUNDING FORMULA.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Rand; and Jones:

S.B. 999, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE LAWS PERTAINING TO IMPAIRED DRIVING OFFENSES.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 1000, A BILL TO BE ENTITLED AN ACT TO ALLOW INDUSTRIAL REVENUE BONDS TO FINANCE RESEARCH FACILITIES.

Referred to the **Finance Committee**.

By Senators Rand; and Jones:

S.B. 1001, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC BUILDING SECURITY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1002, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND EXTEND THE RESTRICTIONS ON THE USE OF AUTOMATIC DIALING AND RECORDED MESSAGE PLAYERS TO MAKE UNSOLICITED TELEPHONE CALLS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

March 21, 2007

By Senators Rand; and Jones:

S.B. 1003, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON ARRESTED OF A VIOLENT FELONY OR CERTAIN OTHER CRIMINAL OFFENSES.

Referred to the **Judiciary I Committee**.

By Senators Rand; and Jones:

S.B. 1004, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE GOVERNOR'S APPOINTMENTS TO THE INDUSTRIAL COMMISSION TO BE CONFIRMED BY THE GENERAL ASSEMBLY AND TO MAKE MEMBERS OF THE COMMISSION AND DEPUTY COMMISSIONERS SUBJECT TO THE JUDICIAL CONDUCT STANDARDS OF THE JUDICIAL STANDARDS COMMISSION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Rand:

S.B. 1005, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH SAFE HAVEN SUPERVISED VISITATION PROGRAMS STATEWIDE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1006, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAW PERTAINING TO CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 1007, A BILL TO BE ENTITLED AN ACT TO ALLOW A FUEL TAX REFUND FOR FUEL USE BY COMMERCIAL TIRE SERVICE VEHICLES.

Referred to the **Finance Committee**.

By Senators Rand; and Jones:

S.B. 1008, A BILL TO BE ENTITLED AN ACT TO PROVIDE PERSONAL LEAVE FOR TEACHER ASSISTANTS WHO ARE REQUIRED BY FEDERAL LAW TO HAVE A SUBSTITUTE WHEN THEY ARE OUT OF THE CLASSROOM.

Referred to the **Education/Public Instruction Committee**.

By Senators Rand; and Jones:

S.B. 1009, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATE IS NOT REQUIRED TO DISCLOSE THE IDENTITY OF A CONFIDENTIAL INFORMANT IN A CRIMINAL CASE UNLESS

DISCLOSURE IS OTHERWISE REQUIRED BY LAW, AND TO PROTECT THE WORK PRODUCT OF PROSECUTORS.

Referred to the **Judiciary I Committee**.

By Senator Apodaca:

S.B. 1010, A BILL TO BE ENTITLED AN ACT TO CHANGE THE CAP FOR THE DISCOUNT RATE OF INTEREST USED TO DETERMINE THE NET AMOUNT PAYABLE FOR TRANSFERS OF STRUCTURED SETTLEMENT PAYMENT RIGHTS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Kerr:

S.B. 1011, A BILL TO BE ENTITLED AN ACT TO PROVIDE EQUIPMENT GRANTS TO VOLUNTEER RESCUE AND EMERGENCY MEDICAL UNITS AND TO ADJUST THE ALLOCATIONS FOR THE COSTS OF ADMINISTERING THE RESCUE SQUAD WORKERS' RELIEF FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Pittenger; Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston and Tillman:

S.B. 1012, A BILL TO BE ENTITLED AN ACT TO REDUCE THE CORPORATE AND PERSONAL INCOME TAX, CUT GOVERNMENT SPENDING, AND REDUCE MEDICAID FRAUD.

Referred to the **Finance Committee**.

By Senators Pittenger; Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Smith and Tillman:

S.B. 1013, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO DEVELOP A DEMONSTRATION PROJECT TO IMPROVE THE EFFICIENCY AND COST-EFFECTIVENESS OF THE MEDICAID PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Pittenger; Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Goodall, Hartsell, Hunt, Smith and Tillman:

S.B. 1014, A BILL TO BE ENTITLED AN ACT TO INCREASE LOCAL FLEXIBILITY REGARDING THE USE OF FUNDS FOR TEACHER COMPENSATION.

Referred to the **Appropriations/Base Budget Committee**.

March 21, 2007

By Senator Soles:

S.B. 1015, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO OPEN A PERMANENT DRIVERS LICENSE OFFICE IN THE TOWN OF TABOR CITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Soles:

S.B. 1016, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA MUSEUM OF FORESTRY FOR CAPITAL PLANNING AND DEVELOPMENT.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Soles:

S.B. 1017, A BILL TO BE ENTITLED AN ACT TO EXPAND ENTREPRENEURSHIP AS A VITAL ECONOMIC DEVELOPMENT STRATEGY IN NORTH CAROLINA BY APPROPRIATING FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER, INC., TO PROVIDE TRAINING TO LOCAL LEADERS, GRANTS TO LOCAL GOVERNMENTS IN RURAL AREAS, AND COORDINATION OF STATEWIDE ENTREPRENEURSHIP EFFORTS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hartsell:

S.B. 1018, A BILL TO BE ENTITLED AN ACT TO REPEAL THE THIRTY-DAY GRACE PERIOD FOR PRESENTING PROOF OF IMMUNIZATION OF CHILDREN ENTERING PUBLIC SCHOOL.

Referred to the **Health Care Committee**.

By Senator Hartsell:

S.B. 1019, A BILL TO BE ENTITLED AN ACT TO REQUIRE DOMESTIC CORPORATIONS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS TO MAINTAIN THE NAME OF THE INDIVIDUAL WHO IS THE CUSTODIAN OF RECORD; AND TO GIVE THE SECRETARY OF STATE THE AUTHORITY TO SERVE INTERROGATORIES ON LIMITED LIABILITY PARTNERSHIPS.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 1020, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM SIMULTANEOUS DEATH ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 1021, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF INSURANCE TO DEVELOP A STATE REVIEW

PROCESS OF GROUP INSURANCE CLAIMS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Hartsell:

S.B. 1022, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELECTRONIC PUBLICATION OF LEGAL NOTICES ON A STATE-SANCTIONED PUBLIC NOTICE WEB SITE.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 1023, A BILL TO BE ENTITLED AN ACT RELATING TO THE STATUS OF LOCAL ENTITY EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 1024, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE PASS-THROUGH ENTITY ALLOCATION PROVISIONS OF THE HISTORIC REHABILITATION TAX CREDIT.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 1025, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO ESTABLISH NEW PERSONNEL POSITIONS IN THE OFFICE OF THE STATE AUDITOR FOR ADDITIONAL PERFORMANCE AUDIT TEAMS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hartsell:

S.B. 1026, A BILL TO BE ENTITLED AN ACT TO CORRECT A PROCEDURAL TECHNICAL ERROR IN THE REQUIREMENT THAT AN APPLICANT PRESENT A VISA OF LIMITED DURATION FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND TO CORRECT AN APPARENT ERROR IN THE EXPIRATION DATE FOR DRIVERS LICENSES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Goss:

S.B. 1027, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PLANNING AND DESIGN OF A WATER SOURCE UPGRADE FOR THE TOWN OF BOONE.

Referred to the **Appropriations/Base Budget Committee**.

March 21, 2007

By Senator Goss:

S.B. 1028, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR A ROAD TO THE NEW WATAUGA COUNTY HIGH SCHOOL, PROVIDE FUNDS TO THE DEPARTMENT OF TRANSPORTATION FOR PURCHASING RIGHTS-OF-WAYS FOR THE NEW ROAD.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Goss:

S.B. 1029, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ALEXANDER AND WILKES COUNTY TO SUPPORT ENTREPRENEURIAL PROJECTS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Dalton:

S.B. 1030, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A FRAMEWORK FOR A REACHING ONES POTENTIAL FOR EXCELLENCE (ROPE) SCHOLARS PROGRAM.

Referred to the **Education/Higher Education Committee**.

By Senators Clodfelter; Dannelly and Graham:

S.B. 1031, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX INCENTIVES FOR THE CONSTRUCTION OF A RAILROAD INTERMODAL FACILITY.

Referred to the **Finance Committee**.

By Senators Clodfelter; Goodall, Graham, Pittenger, Purcell and Stevens:

S.B. 1032, A BILL TO BE ENTITLED AN ACT TO IMPOSE TIME LIMITATIONS ON OVERPAYMENT RECOVERY UNDER THE PROMPT CLAIM PAYMENTS STATUTE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Clodfelter; Dannelly, Goodall, Graham, Pittenger and Purcell:

S.B. 1033, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS TO ISSUE INSURANCE IDENTIFICATION CARDS TO POLICYHOLDERS.

Referred to the **Select Committee on Employee Hospital and Medical Benefits**.

By Senators Queen and Snow:

S.B. 1034, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FARMLAND PRESERVATION IN THE PIGEON VALLEY OF THE BETHEL COMMUNITY OF HAYWOOD COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Queen:

S.J.R. 1035, A JOINT RESOLUTION HONORING THE MEMORY OF FREDERICK LAW OLMSTED AND RECOGNIZING NATIONAL LANDSCAPE ARCHITECTURE MONTH.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Queen:

S.B. 1036, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIALIZED LICENSE PLATES FOR MOTORCYCLES.

Referred to the **Finance Committee**.

By Senators Queen and Snow:

S.B. 1037, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PRESERVE THE HISTORIC COURTHOUSES IN CLAY, HAYWOOD, MADISON, MITCHELL, AND SWAIN COUNTIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 1038, 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 Queen:

S.B. 1039, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT FOLKMOOT USA'S COMMUNITY INTERNATIONAL ARTS AND CULTURAL EDUCATION PROGRAMS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1040, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE TAX BENEFITS OF CONTRIBUTIONS TO THE PARENTAL SAVINGS TRUST FUND OF THE STATE EDUCATION ASSISTANCE AUTHORITY.

Referred to the **Finance Committee**.

By Senator Rand:

S.B. 1041, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF JDIG GRANTS TO MAINTAIN EXISTING JOBS.

Referred to the **Finance Committee**.

By Senators Rand; and Jones:

S.B. 1042, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO ESTABLISH A PILOT MEDICAID HMO PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Rand:

S.B. 1043, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PAY IN PART OR IN FULL ROOM AND BOARD TO ACCREDITED AGENCIES THAT PROVIDE CHILDREN'S RESIDENTIAL SERVICES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Weinstein:

S.B. 1044, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE OPERATIONS OF THE AQUARIUMS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Weinstein:

S.B. 1045, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE NINE WELCOME CENTERS IN THE STATE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hartsell; Forrester, Purcell and Soles:

S.B. 1046, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO MAKE ADVANCE DIRECTIVES AND TO DESIGNATE HEALTH CARE AGENTS; AND TO IMPROVE AND SIMPLIFY THE MEANS OF MAKING THESE DIRECTIVES AND DESIGNATIONS.

Referred to the **Judiciary II Committee**.

By Senators Hartsell; Brock and Hoyle:

S.B. 1047, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR A SALES AND USE TAX REFUND FOR SUPPLIES USED IN RESEARCH, DEVELOPMENT, AND ANALYTICAL SERVICES.

Referred to the **Finance Committee**.

By Senators Hartsell; Brock and Hoyle:

S.B. 1048, A BILL TO BE ENTITLED AN ACT TO CREATE A STATE VENTURE CAPITAL FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hartsell:

S.B. 1049, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF MINOR TO EXPAND THE SCOPE OF THE LAWS PROTECTING MINORS WITH REGARD TO THE OFFENSES OF SEXUAL EXPLOITATION AND PROSTITUTION.

Referred to the **Judiciary II Committee**.

By Senators Hartsell; Brock and Clodfelter:

S.B. 1050, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE

FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE NORTH CAROLINA RESEARCH CAMPUS AT KANNAPOLIS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Goss, Queen, Snow, Boseman, Clodfelter, Nesbitt; and Atwater:

S.B. 1051, A BILL TO BE ENTITLED AN ACT TO INCREASE THE INCOME LIMIT FOR THE HOMESTEAD PROPERTY TAX EXCLUSION AND TO TREAT THE ELDERLY WHO LIVE IN THEIR OWN HOME THE SAME AS THOSE WHO LIVE IN A RETIREMENT COMMUNITY.

Referred to the **Finance Committee**.

By Senators Berger of Franklin and Kerr:

S.B. 1052, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADVANCED COMMUNITY-BASED INFORMATION AND TECHNOLOGY COMMUNICATION SYSTEM FOR VANCE, WARREN, AND GREENE COUNTIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Berger of Franklin:

S.B. 1053, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THREE VICTIM WITNESS ASSISTANTS FOR PROSECUTORIAL DISTRICT 9.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Stevens; Atwater, Cowell, Hunt and Malone:

S.B. 1054, A BILL TO BE ENTITLED AN ACT TO PROVIDE GAP FUNDING OF EIGHTEEN MILLION DOLLARS A YEAR FOR THIRTY-NINE YEARS TO AID IN THE CONSTRUCTION OF I-540.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Stevens; Allran, Apodaca, Atwater, Bingham, Brown, Brunstetter, Cowell, Forrester, Garrou, Goodall, Goss, Malone, Nesbitt, Preston, Purcell, Rand, Smith, Tillman and Weinstein:

S.B. 1055, A BILL TO BE ENTITLED AN ACT TO REQUIRE REBATES TO BE MAILED TO CONSUMERS WITHIN A CERTAIN TIME FRAME AND TO REQUIRE THE DISCLOSURE OF THE TERMS OF THE REBATE OFFERS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Stevens; Allran, Apodaca, Atwater, Bingham, Boseman, Brunstetter, Forrester, Goodall, Malone, Preston, Purcell, Queen, Smith, Swindell and Tillman:

S.B. 1056, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF

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NORTH CAROLINA TO INCREASE THE STATE CONTRACTUAL SCHOLARSHIP FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Stevens; Brown, Cowell, Forrester, Malone, Smith and Weinstein:

S.B. 1057, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO EXPAND THE ENTREPRENEURSHIP AND REGIONAL CLUSTER-BASED ECONOMIC DEVELOPMENT ACTIVITIES AT NORTH CAROLINA STATE UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Stevens, Clodfelter; Allran, Apodaca, Atwater, Bingham, Brown, Brunstetter, Cowell, Forrester, Garrou, Goodall, Goss, Hartsell, Jones, Malone, Preston, Purcell, Rand, Smith, Tillman and Weinstein:

S.B. 1058, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE FRAUDULENT OBTAINING, SELLING, OR SOLICITING OF TELEPHONE RECORDS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Atwater; East, Graham, Jones, Kinnaird, Malone, Nesbitt, Purcell, Rand, Snow, Stevens and Weinstein:

S.B. 1059, 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 Senators Atwater, Rand; Apodaca, Berger of Franklin, Bingham, Brunstetter, Forrester, Goodall, Hartsell, Hoyle, Jenkins, Kerr, Kinnaird, Nesbitt, Snow and Soles:

S.B. 1060, A BILL TO BE ENTITLED AN ACT TO INCLUDE PUBLIC DEFENDERS AS MEMBERS OF THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Atwater:

S.B. 1061, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR DIFFERENTIATED FUNDING OF COMMUNITY COLLEGE ALLIED HEALTH PROGRAMS.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Atwater:

S.B. 1062, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE DENTAL RATES UNDER MEDICAID.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Atwater:

S.B. 1063, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CHATHAM COUNTY AGRICULTURAL INDUSTRIAL FAIR FOR USE IN PLANNING A FACILITY TO HOUSE THE RURAL LIFE MUSEUM, A PERFORMING ARTS CENTER, AND A SHARED KITCHEN.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Atwater:

S.B. 1064, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ADDITION OF A SMALL AUDITORIUM TO THE PITTSBORO CAMPUS OF CENTRAL CAROLINA COMMUNITY COLLEGE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Dalton:

S.B. 1065, A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO IMPLEMENT A TUITION SURCHARGE AND TO USE ENDOWED SCHOLARSHIP FUNDS TO OFFSET THE COST OF A TUITION SURCHARGE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Dalton:

S.B. 1066, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A STATE EMPLOYEE WELLNESS PILOT PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Dalton:

S.B. 1067, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE INSURANCE LAWS TO MUTUAL AID ASSOCIATIONS SERVING PRESENT AND PAST MEMBERS OF THE ARMED FORCES AND SEA SERVICES OF THE UNITED STATES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Dalton, Nesbitt; and Berger of Franklin:

S.B. 1068, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PORTION OF THE STATE'S SHARE OF THE SALES TAX ON TELECOMMUNICATIONS AND VIDEO PROGRAMMING SERVICES FOR GRANTS FOR BROADBAND CONNECTIVITY, PEG CHANNELS,

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AND COMMUNITY MEDIA CENTERS, AND TO REPEAL THE E-NC AUTHORITY SUNSET.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Swindell; Apodaca, Jones, Purcell, Rand and Stevens:

S.B. 1069, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE OPERATING AND CAPITAL FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Swindell; Apodaca, Purcell and Rand:

S.B. 1070, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE EDUCATION ASSISTANCE AUTHORITY TO SET THE INTEREST RATE FOR THREE SCHOLARSHIP LOAN PROGRAMS AT A RATE NOT TO EXCEED TEN PERCENT PER ANNUM.

Referred to the **Finance Committee**.

By Senators Swindell; Apodaca, Purcell and Rand:

S.B. 1071, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE STATE FUNDS TO BE USED AS MATCHING FUNDS FOR THE EXPANDED WORK DEMANDS OF THE SOIL AND WATER CONSERVATION DISTRICTS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Swindell; and Purcell:

S.B. 1072, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROMOTE THE PRODUCTS PRODUCED BY THE NORTH CAROLINA COMMODITY GROUPS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Swindell; and Purcell:

S.B. 1073, A BILL TO BE ENTITLED AN ACT TO PROVIDE INCENTIVES TO HEALTH CARE PROVIDERS TO PURCHASE WHEELCHAIR ACCESSIBLE PATIENT EXAMINATION TABLES.

Referred to the **Finance Committee**.

By Senators Kinnaird; Berger of Franklin and Bingham:

S.B. 1074, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DEVELOPMENT OF TRADING PATH TRAILS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Goodall:

S.B. 1084, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO MOVE EXISTING ROADWAYS TO ALLOW FOR CAPITAL IMPROVEMENTS AND EXPANSION OF RUNWAYS AT THE MONROE REGIONAL AIRPORT.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Goodall:

S.B. 1085, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COVENANT PRISON MINISTRIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Albertson, Bingham, Dannelly, Forrester, Malone and Rand:

S.B. 1086, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS BY ANY PERSON IN PUBLIC SCHOOL BUILDINGS AND SCHOOL FACILITIES, ON THE PUBLIC SCHOOL CAMPUS, AND IN OR ON OTHER SCHOOL PROPERTY.

Referred to the **Health Care Committee**.

By Senators Purcell; Albertson, Bingham, Dannelly, Forrester, Garrou, Jones, Malone, Queen and Rand:

S.B. 1087, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE NUMBER OF SCHOOL NURSES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Albertson, Bingham, Dannelly, Forrester, Garrou, Jones, Malone, Queen and Rand:

S.B. 1088, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TREATMENT AND PREVENTION OF CANCER.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Bingham, Dannelly, Forrester, Garrou, Malone and Queen:

S.B. 1089, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE STANDARD OF PROOF IN CERTAIN MEDICAL MALPRACTICE ACTIONS.

Referred to the **Judiciary I Committee**.

By Senator Purcell:

S.B. 1090, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN PROVISIONS TO ALLOW FOR PROVISIONAL LICENSURE OF CLINICAL SOCIAL WORKERS UNDER THE LAWS REGULATING THE PRACTICE OF SOCIAL WORK.

Referred to the **Health Care Committee**.

By Senator Purcell:

S.B. 1091, A BILL TO BE ENTITLED AN ACT TO DEFINE THE TERM "SURGERY" FOR PURPOSES OF THE PRACTICE OF MEDICINE.

Referred to the **Health Care Committee**.

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By Senators Cowell; and Kinnaird:

S.B. 1092, A BILL TO BE ENTITLED AN ACT TO ESTABLISH UNPAID SICK DAYS TO ENSURE ALL EMPLOYEES IN NORTH CAROLINA CAN ADDRESS THEIR OWN HEALTH NEEDS AND THE HEALTH NEEDS OF THEIR FAMILIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Brock; Allran, Apodaca, Berger of Rockingham, Blake, Brown, East, Forrester, Goodall, Hunt, Pittenger, Preston, Smith and Tillman:

S.B. 1093, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO REFORM LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.

Referred to the **Ways & Means Committee**.

By Senators Brock; Berger of Rockingham, Blake, Brown, Forrester, Hunt, Jacumin, Preston and Tillman:

S.B. 1094, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO PROTECT THEMSELVES AND THEIR FAMILIES IN RESTAURANTS.

Referred to the **Judiciary I Committee**.

By Senators Brock; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brown, Brunstetter, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Preston, Smith, Stevens and Tillman:

S.B. 1095, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR FRIENDS OF THE NRA (NATIONAL RIFLE ASSOCIATION).

Referred to the **Finance Committee**.

By Senators Snow and Kinnaird:

S.B. 1096, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INMATE WORK ASSIGNMENTS FROM THE STATE SURPLUS LAWS AND TO REMOVE ANTIQUATED LANGUAGE REGARDING THE USE OF FEMALE INMATES IN PRISON LABOR PROJECTS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:06 P.M.

THIRTY-FOURTH DAY

Senate Chamber
Thursday, March 22, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, I watched with interest this week the sight of Senators with stacks of bills in hand going from desk to desk, from one colleague to another, getting signatures on bills that the others hope will become laws. Such a scene reminded me of your words to the prophet Habakkuk, 'Write the vision. You said make it plain on tablets so that a runner may read it. For there is still a vision for the appointed time. If it seems to tarry, wait for it. It will surely come.' We end this week with those good words of promise. In your Holy name we pray. Amen."

The Chair grants leaves of absence for today to Senator Cowell, Senator Dorsett, Senator Hagan, Senator Hoyle and Senator Snow.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, March 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Daniel Albright from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Cindy Craven from Archdale, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Finance Committee**:

S.B. 224, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OCEAN ISLE BEACH TO ASSESS CANAL DREDGING FEES ON THE SAME BASIS AS SPECIAL ASSESSMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75365, which changes the title to read **S.B. 224** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF OCEAN ISLE BEACH, EMERALD ISLE, AND HOLDEN BEACH TO SET CANAL DREDGING FEES BASED ON A PROPERTY OWNER'S FRONTAGE ABUTTING A DREDGING PROJECT, is adopted and engrossed.

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S.B. 616, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF RIVER BEND TO ANNEX UNDER GENERAL LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15061, which changes the title to read **S.B. 616** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF RIVER BEND TO ANNEX AND EXERCISE EXTRATERRITORIAL JURISDICTION AS PROVIDED UNDER GENERAL LAW, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

S.B. 448, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONDUCT A STUDY TO IDENTIFY THE NEEDS OF THE AGING POPULATION IN BRUNSWICK AND OTHER COUNTIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55388, which changes the title to read **S.B. 448** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY AND IDENTIFY PROGRAM AND SERVICE NEEDS FOR OLDER ADULTS IN BRUNSWICK AND OTHER COUNTIES, is adopted and engrossed.

S.B. 666, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN EXPANSION OF THE MEMBERSHIP OF THE NORTH CAROLINA INSTITUTE OF MEDICINE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35340, is adopted and engrossed.

RECOGNITION OF AZALEA PRINCESS

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces the appointment of Senator Boseman, Chair; Senator Preston; Senator Soles and Senator Brown as the Committee to escort the Azalea Princess and Belles to the Well of the Senate.

Senator Boseman is recognized and introduces Lauren Smith, the 2007 North Carolina Azalea Festival Princess, who introduces the members of her court: Eryn Roberts, Michelle Peck, McCall Dudeck and Kayleigh Winslow. Also with her are Azalea Bells Alexis Gainey, Caroline Gilbert, Lauren Kauffman and Katy Link. The guests present to the Lieutenant Governor and Senator Dannelly a framed edition of the 2007 Azalea Festival poster. The guests are escorted from the Chamber to a standing ovation.

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CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 79 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEER SEASONS AND REMOVE BAG LIMITS ON ANTLERLESS DEER IN ORDER TO REDUCE THE DEER POPULATION IN THE STATE.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

S.B. 757, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR NURSING TO THE DEPARTMENT OF ADMINISTRATION AND TO AMEND THE APPOINTMENT PROCEDURE FOR ONE OF THE BOARD MEMBERS.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 335, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED THROUGH A SPECIAL ELECTION PROCESS IN SOME CIRCUMSTANCES.

The bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

S.B. 350, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF APEX AND GARNER TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

The bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives.

H.B. 217, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CORNELIUS AND DAVIDSON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

The bill passes its second (41-0) and third readings and is ordered enrolled.

S.B. 349, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF CARY TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

Senator Apodaca offers Amendment No. 1 which is adopted (41-0), and changes the title to read **S.B. 349**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF CARY AND THE CITY OF HENDERSONVILLE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

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The bill, as amended, passes its second (42-0) and third (43-0) readings and is ordered engrossed and sent to the House of Representatives.

S.B. 74 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD VARIOUS MUNICIPALITIES TO THE AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (44-0) and the bill is ordered enrolled.

S.B. 211, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING ELECTRONIC SIGNATURES BY CLARIFYING THAT PUBLIC AGENCIES MAY USE, AS WELL AS ACCEPT, ELECTRONIC SIGNATURES.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, March 27.

S.B. 274, A BILL TO BE ENTITLED AN ACT TO CHANGE THE STATE-RECOGNIZED NAME OF THE MEHERRIN TRIBE TO THE MEHERRIN-CHOWANOKE NATION, IN ORDER TO RECOGNIZE THE HISTORIC MERGER OF MEMBERS OF THE CHOWANOKE TRIBE INTO THE MEHERRIN COMMUNITY.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 611, A BILL TO BE ENTITLED AN ACT TO RECODIFY THE LAWS COVERING SERVICE AGREEMENTS.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 613, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 630 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA ARBORETUM TO ESTABLISH A CAMPUS LAW ENFORCEMENT AGENCY.

The Committee Substitute bill passes its second (43-1) and third readings and is ordered sent to the House of Representatives.

S.B. 658, A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA FOR THE ASSESSMENT OF

BANKS AND STATE TRUST COMPANIES.

Without objection, Senator Smith requests to be excused from voting on the bill due to a conflict of interest.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 382, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 26, upon third reading.

S.B. 570, A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF WATHA, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 26, upon third reading.

RECONSIDERATION

S.B. 658, A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA FOR THE ASSESSMENT OF BANKS AND STATE TRUST COMPANIES.

Having voted with the majority on third reading, Senator Rand offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Upon motion of Senator Rand, the bill is re-referred to the **Finance Committee**.

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CALENDAR (*continued*)

S.B. 645, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SAMPSON COUNTY TO LEVY A ROOM OCCUPANCY TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 40, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Soles, Stevens, Swindell, Tillman and Weinstein---40.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.

The bill remains on the Calendar for Monday, March 26, upon third reading.

S.B. 16 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 624, A BILL TO BE ENTITLED AN ACT PROVIDING THAT GATES COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 567 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE ENERGY EFFICIENCY BY ALLOWING THE DISTRIBUTION OF E-BLEND FUELS.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

H.B. 61, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHILD RESTRAINT LAW TO ENSURE COMPLIANCE WITH FEDERAL REGULATIONS.

The bill passes its second (40-4) and third readings and is ordered enrolled and sent to the Governor.

H.B. 123, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE HEALTH DIRECTOR TO SHARE EMERGENCY DEPARTMENT DATA WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) FOR PUBLIC HEALTH PURPOSES.

The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

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H.B. 124, A BILL TO BE ENTITLED AN ACT TO AMEND THE EMBARGO AUTHORITY OF THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH DIRECTORS.

The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

ADDITIONAL SPONSORS

Senator Dalton requests to be added as a sponsor of previously introduced legislation:

S.B. 458, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT THE NORTH CAROLINA CENTER FOR VITICULTURE AND ENOLOGY.

Senator Jones requests to be added as a sponsor of previously introduced legislation:

S.B. 974, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMMUNITY INSTITUTIONS TO ASSIST SMALL FARMERS AND RURAL LANDOWNERS, SUPPORT ECONOMIC DEVELOPMENT ACTIVITIES IN MINORITY NEIGHBORHOODS AND COMMUNITIES, ASSIST MINORITY AND WOMEN-OWNED BUSINESSES, AND PROVIDE ACCESS TO AFFORDABLE FINANCE SERVICES AND ASSET BUILDING OPPORTUNITIES STATEWIDE.

Senator Tillman requests to be added as a sponsor of previously introduced legislation:

S.B. 977, A BILL TO BE ENTITLED AN ACT MODIFYING THE LAW REGARDING SICK LEAVE BANKS FOR PUBLIC SCHOOL EMPLOYEES.

Upon motion of Senator Basnight, seconded by Senator Malone, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet Monday, March 26, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Kinnaird; Dorsett, Graham, Jones, Malone and Shaw:

S.B. 1075, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DEFENDANT CONVICTED OF FIRST DEGREE MURDER WHO HAD A SEVERE MENTAL DISABILITY AT THE TIME OF THE COMMISSION OF THE CAPITAL CRIME SHALL NOT BE SENTENCED TO DEATH.

Referred to the **Judiciary I Committee**.

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By Senators Kinnaird; Atwater, Berger of Franklin and Clodfelter:

S.B. 1076, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND DOLLARS TO THE NORTH CAROLINA LEGAL EDUCATION ASSISTANCE FOUNDATION.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Kinnaird:

S.B. 1077, A BILL TO BE ENTITLED AN ACT TO REGULATE CERTAIN JUVENILE DISCOVERY ORDERS.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird; and Nesbitt:

S.B. 1078, A BILL TO BE ENTITLED AN ACT TO DEFINE DELINQUENT JUVENILE AS A JUVENILE WHO IS BETWEEN SIX YEARS OF AGE AND EIGHTEEN YEARS OF AGE AND WHO COMMITS A CRIME OR INFRACTION AND TO ESTABLISH THE TASK FORCE FOR JUVENILE JUSTICE ADMINISTRATION.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird; Berger of Franklin and Cowell:

S.B. 1079, A BILL TO BE ENTITLED AN ACT PROVIDING PROTECTIONS FOR, AND CIVIL REMEDIES TO, VICTIMS OF HUMAN TRAFFICKING.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird; Clodfelter, Hartsell, Nesbitt, Queen and Shaw:

S.B. 1080, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC PHYSICIANS LICENSURE ACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Weinstein, Kinnaird; Albertson, Allran, Atwater, Berger of Franklin, Bingham, Brunstetter, Clodfelter, Cowell, Dannelly, Dorsett, Foriest, Graham, Hagan, Hartsell, Jenkins, Jones, Malone, Purcell, Shaw, Snow and Stevens:

S.B. 1081, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES, TO ALLOW DISCLOSURE OF EXPUNGED INFORMATION TO LAW ENFORCEMENT AGENCIES AND FEDERALLY INSURED DEPOSITORY INSTITUTIONS FOR EMPLOYMENT PURPOSES ONLY AND TO REQUIRE THOSE AGENCIES AND INSTITUTIONS TO MAINTAIN THE CONFIDENTIALITY OF THE EXPUNGED INFORMATION, TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES, TO INCREASE THE FEES FOR EXPUNCTIONS, AND TO REQUIRE STATE AND NATIONAL CRIMINAL RECORD CHECKS WHEN EXPUNGING RECORDS.

Referred to the **Judiciary I Committee**.

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By Senators Hunt; Blake, Brock, East and Tillman:

S.B. 1082, A BILL TO BE ENTITLED AN ACT TO REQUIRE LENDERS TO DISCLOSE COMMERCIAL LOAN INTEREST ACCRUAL SCHEDULES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Kerr:

S.B. 1083, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO DESIGN AND TO CONSTRUCT A NEW REGIONAL AGRICULTURAL CENTER FACILITY TO BE LOCATED IN WAYNE COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Snow and Queen:

S.B. 1097, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE RURAL TOURISM DEVELOPMENT GRANT PROGRAM TO PROVIDE GRANTS TO LOCAL GOVERNMENTS AND NONPROFIT TOURISM-RELATED ORGANIZATIONS TO ENCOURAGE THE DEVELOPMENT OF NEW TOURISM PROJECTS, ACTIVITIES, AND JOBS IN RURAL AREAS OF THE STATE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Snow:

S.B. 1098, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADDITIONAL MAGISTRATE TO SERVE CLAY COUNTY AND AN ADDITIONAL MAGISTRATE TO SERVE GRAHAM COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Snow:

S.B. 1099, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A REPLACEMENT FACILITY FOR HAWTHORN HEIGHTS EMERGENCY SHELTER FOR CHILDREN.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Snow and Queen:

S.B. 1100, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR TOURISM PROMOTION GRANTS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Rand, Kerr, Dalton, Hagan, Brown; Atwater, Blake, Brunstetter, Garrou, Hoyle, Jones, Preston, Snow and Weinstein:

S.B. 1101, A BILL TO BE ENTITLED AN ACT APPROPRIATING

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FUNDS TO THE DEPARTMENT OF ADMINISTRATION TO PROVIDE GRANTS TO MILITARY COMMUNITIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Boseman:

S.B. 1102, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONFERENCE OF CHIEF DISTRICT COURT JUDGES TO ADDRESS FORGIVENESS OF ARREARS IN THE CHILD SUPPORT GUIDELINES.

Referred to the **Judiciary I Committee**.

By Senators Boseman; and Preston:

S.B. 1103, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO CONSTRUCT OYSTER HATCHERIES AT EACH OF THE THREE NORTH CAROLINA AQUARIUMS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Boseman:

S.B. 1104, A BILL TO BE ENTITLED AN ACT TO ADD PSEUDOEPHEDRINE TO THE LIST OF SCHEDULE V CONTROLLED SUBSTANCES.

Referred to the **Judiciary I Committee**.

By Senator Boseman:

S.B. 1105, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR NEW DRUG TESTING TECHNOLOGY TO ALLOW LOCAL AND REGIONAL CONTROL AND FASTER DRUG TESTING IN NORTH CAROLINA.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Boseman and Soles:

S.B. 1106, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO WAIVE CAMA FEES WHEN THE PERMIT IS FOR EMERGENCY REPAIRS.

Referred to the **Finance Committee**.

By Senator Boseman:

S.B. 1107, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ART THERAPY LICENSURE ACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Boseman:

S.B. 1108, A BILL TO BE ENTITLED AN ACT TO PROVIDE COVERAGE FOR DIABETIC TEST STRIPS UNDER THE TEACHERS'

AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN PHARMACY BENEFIT.

Referred to the **Select Committee on Employee Hospital and Medical Benefits**.

By Senators Preston; Brown and Goodall:

S.B. 1109, A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXISTING CHARTER SCHOOL TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Select Committee on Employee Hospital and Medical Benefits**.

By Senators Preston; Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Cowell, Dalton, East, Foriest, Forrester, Garrou, Goodall, Hartsell, Hunt, Kerr, Malone, Nesbitt, Queen, Rand, Stevens, Swindell and Tillman:

S.B. 1110, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CALCULATION OF THE DROPOUT RATE.

Referred to the **Education/Public Instruction Committee**.

By Senators Preston; Berger of Rockingham, Bingham, Boseman, Brown, Foriest, Forrester, Goss, Hoyle, Hunt, Jacumin, Jones, Smith, Tillman and Weinstein:

S.B. 1111, A BILL TO BE ENTITLED AN ACT TO ALLOW A HIGHWAY USE TAX EXEMPTION FOR MOTOR VEHICLES EQUIPPED FOR ORTHOPEDICALLY DISABLED PERSONS.

Referred to the **Finance Committee**.

By Senators Pittenger; Apodaca, Bingham, Blake, Brock, East, Goodall, Hunt, Jacumin and Tillman:

S.B. 1112, A BILL TO BE ENTITLED AN ACT TO LOWER THE CORPORATE INCOME TAX RATE BY ELIMINATING SPECIAL TAX BREAKS.

Referred to the **Finance Committee**.

By Senator Hagan:

S.B. 1113, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR INSTRUCTION IN PERSONAL FINANCIAL LITERACY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hagan:

S.B. 1114, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNOR SHALL INCLUDE IN THE CONTINUATION REQUIREMENTS FOR THE STATE BUDGET THE AMOUNT THE GOVERNOR PROPOSES TO FUND FOR ENROLLMENT INCREASES IN

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PRIVATE COLLEGES THROUGH THE LEGISLATIVE TUITION GRANTS AND THE STATE CONTRACTUAL SCHOLARSHIP FUNDS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hagan:

S.B. 1115, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A LATERAL ENTRY PILOT PROGRAM.

Referred to the **Education/Public Instruction Committee**.

By Senator Hagan:

S.B. 1116, A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY REGARDING CONTRACTS FOR PRINCIPALS.

Referred to the **Education/Public Instruction Committee**.

By Senator Hagan:

S.B. 1117, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN BOTH CIVIL AND CRIMINAL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY.

Referred to the **Judiciary I Committee**.

By Senators Hagan; Hoyle and Stevens:

S.B. 1118, A BILL TO BE ENTITLED AN ACT TO MODERNIZE RENTAL CAR FEE CHARGING METHODS AND TO ENSURE COMPLETE DISCLOSURE OF RENTAL CAR FEES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Hagan; Dalton and Garrou:

S.B. 1119, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE STATE BUDGET ACT.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hagan and Hoyle:

S.B. 1120, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE LAWS GOVERNING COMPANY POLICE.

Referred to the **Judiciary I Committee**.

By Senator Brunstetter:

S.B. 1121, A BILL TO BE ENTITLED AN ACT TO CREATE THE UNIVERSITY OF NORTH CAROLINA CENTER FOR THE STUDY OF MOTORCYCLE SAFETY AND CRASH PREVENTION AND TO ADJUST

MOTORCYCLE REGISTRATION FEES TO PROVIDE FUNDING FOR THIS ACT.

Referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Brunstetter; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Goodall, Hartsell, Jacumin, Kinnaird, Pittenger, Preston, Smith, Stevens and Tillman:

S.B. 1122, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH THE HAMILTON C. HORTON JR. INDEPENDENT REDISTRICTING COMMISSION.

Referred to the **Ways & Means Committee**.

By Senators Brunstetter; Garrou, Hagan and Tillman:

S.B. 1123, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE ZOO PLAINS BARNS AND PADDOCKS PROJECT AT THE NORTH CAROLINA ZOO.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter; Albertson and Stevens:

S.B. 1124, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL BE APPOINTED BY THE STATE BOARD OF EDUCATION AND TO MAKE CORRESPONDING STATUTORY CHANGES.

Referred to the **Ways & Means Committee**.

By Senators Clodfelter; Cowell, Dannelly, Graham, Malone and Stevens:

S.B. 1125, A BILL TO BE ENTITLED AN ACT TO CORRECT AN ERROR IN THE CALCULATION OF THE AMOUNT OF SALES TAX REVENUE TO BE ALLOCATED AMONG THE COUNTIES.

Referred to the **Finance Committee**.

By Senators Clodfelter; and Garrou:

S.B. 1126, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CREATE A BENEFIT BANK IN THE STATE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter, Pittenger; Bingham, Blake, East, Forrester, Goodall, Hartsell and Tillman:

S.B. 1127, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PRESIDENT JAMES K. POLK STATE HISTORIC SITE.

Referred to the **Appropriations/Base Budget Committee**.

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By Senators Clodfelter; and Graham:

S.B. 1128, A BILL TO BE ENTITLED AN ACT TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; AND TO IMPOSE A REGULATORY SURCHARGE TO FINANCE THE FUND.

Referred to the **Select Committee on Government and Election Reform**.

By Senator Clodfelter:

S.B. 1129, A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO ALL LAW ENFORCEMENT NOTES IN THE OPEN DISCOVERY PROCESS.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 1130, A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT AND PROSECUTORIAL AGENCIES IN THE OPEN DISCOVERY PROCESS.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 1131, A BILL TO BE ENTITLED AN ACT ALLOWING A GRAND JURY TO REPORT POSSIBLE PROSECUTORIAL MISCONDUCT OR ANY OTHER MATTER THAT COULD ADVERSELY AFFECT THE INDEPENDENCE, FAIRNESS, AND IMPARTIALITY OF THE GRAND JURY AND REQUIRING A WRITTEN RECORD OF ALL GRAND JURY PROCEEDINGS.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter, Hartsell; and Atwater:

S.B. 1132, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN STATE GOVERNMENT BY ESTABLISHING A PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter:

S.B. 1133, A BILL TO BE ENTITLED AN ACT REQUIRING COUNTIES AND CITIES TO PROVIDE REASONABLY EQUITABLE GARBAGE COLLECTION SERVICE TO SINGLE-FAMILY AND MULTIFAMILY DWELLINGS WITH PROPERTY TAXES LEVIED TO PROVIDE THE SERVICE AND TO ESTABLISH REASONABLY EQUITABLE SERVICE

AND FEES FOR GARBAGE COLLECTION SERVICE WHEN OPERATING A PUBLIC ENTERPRISE FOR THE PURPOSE OF PROVIDING THE SERVICE.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 1134, A BILL TO BE ENTITLED AN ACT TO INCREASE AND CLARIFY CERTAIN COURT COSTS.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 1135, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE STATE GOVERNMENT ETHICS ACT.

Referred to the **Select Committee on Government and Election Reform**.

By Senator Clodfelter:

S.B. 1136, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE APPORTIONING OF COURT SYSTEM PERSONNEL THROUGH A WORKLOAD FORMULA.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter:

S.B. 1137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY IMPROVEMENTS IN CONSUMER CREDIT REPORTING PRACTICES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Clodfelter; and Hartsell:

S.B. 1138, A BILL TO BE ENTITLED AN ACT TO EXTEND THE JOINT LEGISLATIVE GROWTH STRATEGIES OVERSIGHT COMMITTEE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 1139, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A TAX CREDIT FOR DEVELOPERS OF INFILL PROJECTS IN HISTORIC DISTRICTS.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 1140, A BILL TO BE ENTITLED AN ACT TO ALLOW A TAX CREDIT TO CONTRIBUTORS TO 501(C)(3) ORGANIZATIONS FOR RENEWABLE ENERGY PROPERTY.

Referred to the **Finance Committee**.

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By Senator Hoyle:

S.B. 1141, A BILL TO BE ENTITLED AN ACT TO EXPAND THE INCOME TAX DEDUCTION FOR CONTRIBUTIONS TO COLLEGE SAVINGS ACCOUNTS.

Referred to the **Finance Committee**.

By Senators Hoyle, Swindell and Dalton:

S.B. 1142, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS FOR CAREER FIREFIGHTERS AND CAREER RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hoyle:

S.B. 1143, A BILL TO BE ENTITLED AN ACT REQUIRING A LICENSED HOME INSPECTOR TO INCLUDE A SUMMARY PAGE IN THE WRITTEN REPORT PROVIDED TO THE PERSON FOR WHOM THE INSPECTION WAS PERFORMED THAT DESCRIBES COMPONENTS THAT ARE NOT FUNCTIONING OR REQUIRE FURTHER INVESTIGATION BY A SPECIALIST.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Hoyle; Albertson, Apodaca, Atwater, Berger of Franklin, Bingham, Brown, East, Foriest, Goodall, Graham, Hartsell, Kinnaird, Malone, Preston, Purcell, Queen, Snow, Swindell and Tillman:

S.B. 1144, 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, AND TO PROVIDE FUNDS FOR GRANTS TO COUNTIES FOR PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS.

Referred to the **Finance Committee**.

By Senators Hoyle; Atwater and Dalton:

S.B. 1145, 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. 1146, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ENVIRONMENTAL REVIEW COMMISSION SHALL STUDY THE NORTH CAROLINA PETROLEUM UNDERGROUND STORAGE TANK PROGRAM AS WELL AS THE RETURN TO USE OF SITES IMPACTED BY LEAKING TANKS.

Referred to the **Rules and Operations of the Senate Committee**.

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By Senator Hoyle:

S.B. 1147, A BILL TO BE ENTITLED AN ACT TO REQUIRE A COPY OF THE REGISTRATION CARD ISSUED FOR A DEALER REGISTRATION PLATE BE IN THE VEHICLE, TO MODIFY RETENTION AND INSPECTION PROCEDURES FOR DEALER RECORDS, CLARIFY SELF-INSPECTOR RESPONSIBILITIES, CLARIFY WHEN A VEHICLE MUST BE INSPECTED, AND THE SCOPE OF AN EMISSIONS INSPECTION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Hoyle:

S.B. 1148, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPROVE THE CAPACITY OF THE PLANETARIUM AT THE SCHIELE MUSEUM OF NATURAL HISTORY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hoyle:

S.B. 1149, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A GRANT PROGRAM TO ENABLE LOCAL SCHOOL ADMINISTRATIVE UNITS TO PRODUCE BIODIESEL FUEL FOR USE ON SCHOOL BUSES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hoyle:

S.B. 1150, A BILL TO BE ENTITLED AN ACT TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE UNIFORMITY OF LOCAL OCCUPANCY TAXES THROUGHOUT THE STATE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Hoyle:

S.B. 1151, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO STUDY THE EMERGENCY PREPAREDNESS PLANS OF THE PUBLIC UTILITIES AND OTHER ELECTRICITY SUPPLIERS IN THE STATE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Hoyle:

S.B. 1152, A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES TO PAY INTEREST ON ILLEGALLY EXACTED TAXES, FEES, OR MONETARY CONTRIBUTIONS FOR DEVELOPMENT THAT ARE NOT SPECIFICALLY AUTHORIZED BY LAW.

Referred to the **Finance Committee**.

By Senators Hoyle; and Jenkins:

S.B. 1153, A BILL TO BE ENTITLED AN ACT TO EXPAND THE SALES AND USE TAX REFUND FOR CERTAIN AIRCRAFT

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MANUFACTURERS TO INCLUDE CERTAIN MANUFACTURERS OF AIRCRAFT COMPONENT PARTS.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 1154, 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 Senators Hoyle; and Dalton:

S.B. 1155, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA WINE AND GRAPE GROWERS COUNCIL TO PROMOTE WINES PRODUCED IN NORTH CAROLINA.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hoyle:

S.B. 1156, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO OPERATION KIDS ON GUARD, INC., TO ALLOW IT TO CONTINUE TO ASSIST CHILDREN OF MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD TO ADDRESS FEARS STEMMING FROM THEIR PARENTS' DEPLOYMENTS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hoyle:

S.B. 1157, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO TARHEEL CHALLENGE, INC., TO ALLOW IT TO EXPAND CLASS SIZE AT ITS SALEMBURG FACILITY AND TO PRODUCE ONE HUNDRED ADDITIONAL GRADUATES AT A SECOND FACILITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hoyle:

S.B. 1158, A BILL TO BE ENTITLED AN ACT TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO DETERMINE A DIFFERENT METHOD FOR DISTRIBUTING THE FRANCHISE TAX ON ELECTRIC POWER COMPANIES IN ORDER TO SIMPLIFY THE DISTRIBUTION, REDUCE THE ADMINISTRATIVE BURDEN ASSOCIATED WITH THE DISTRIBUTION, AND PREVENT ERRORS IN THE DISTRIBUTION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Hoyle:

S.B. 1159, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENTS FOR SELLING AND INSTALLING MODULAR HOMES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senators Hoyle; Atwater, Cowell, Dalton and Hartsell:

S.B. 1160, A BILL TO BE ENTITLED AN ACT TO CREATE A STATE NEW MARKET TAX CREDIT TO COMPLEMENT THE FEDERAL TAX CREDIT.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 1161, A BILL TO BE ENTITLED AN ACT TO ALLOW TAXPAYERS TO RELY UPON VERBAL ADVICE FROM THE DEPARTMENT OF REVENUE.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Dorsett:

S.B. 1162, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUED PLANNING FOR THE HEART OF THE TRIAD PROJECT.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Dorsett:

S.B. 1163, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE CERTIFICATION 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 CERTIFICATIONS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Dorsett; Atwater, Cowell, Dannelly, Malone, Purcell and Tillman:

S.B. 1164, A BILL TO BE ENTITLED AN ACT TO CORRECT THE INEQUITY THAT EXISTS IN PAY FOR NONCERTIFIED SCHOOL EMPLOYEES DUE TO THE ONE-YEAR DELAY IN IMPLEMENTATION OF THE STATE-MANDATED FAIR MINIMUM WAGE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dorsett; Bingham, Garrou and Hagan:

S.B. 1165, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO MARKET THE HOME FURNISHINGS INDUSTRY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Dorsett; Atwater, Cowell, Hoyle, Malone, Pittenger and Purcell:

S.B. 1166, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REAL PROPERTY COMMISSION WITH THE RESPONSIBILITY TO IDENTIFY

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UNDERUTILIZED, SELDOM USED, OR UNUSED STATE PROPERTY, IDENTIFY PROPERTIES THAT ARE NOT COST-EFFICIENT BASED ON THEIR CURRENT USE, AND OVERSEE THE OPERATION OF THE STATE PROPERTY SURPLUS PROPERTY DISPOSAL SYSTEM.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Dorsett, Graham; and Atwater:

S.B. 1167, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF ADMINISTRATION TO INFORM THE COUNTY COMMISSIONERS BEFORE ACQUIRING LAND IN A COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Swindell:

S.J.R. 1168, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Swindell:

S.J.R. 1169, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF TWO APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Weinstein; Albertson, Brown, Goss, Jacumin and Jones:

S.B. 1170, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF TRANSPORTATION TO CONSULT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS BEFORE BEGINNING CONSTRUCTION OF NEW WELCOME CENTER BUILDINGS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Cowell; Dalton, Hoyle and Stevens:

S.B. 1171, A BILL TO BE ENTITLED AN ACT TO LIMIT THE PRIVILEGE TAXES IMPOSED ON INFORMATION TECHNOLOGY AND SERVICES COMPANIES.

Referred to the **Finance Committee**.

By Senator Cowell:

S.B. 1172, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL LAW CONCERNING RESTRAINING OF DOGS.

Referred to the **Judiciary I Committee**.

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By Senators Cowell; and Atwater:

S.B. 1173, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE EXTENSION OF ANY EXISTING DEADLINE RELATIVE TO THE FINAL LEGISLATIVE DECISION REGARDING THE FUTURE USE OF THE DOROTHEA DIX HOSPITAL PROPERTY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Cowell; Atwater, Dalton, Hoyle and Stevens:

S.B. 1174, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM INCOME TAX CERTAIN GAINS FROM INVESTMENTS IN TECHNOLOGY BUSINESSES AND OTHER QUALIFIED SMALL BUSINESSES.

Referred to the **Finance Committee**.

By Senators Albertson; Hoyle, Jenkins and Weinstein:

S.B. 1175, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MONITOR AND REPORT GREENHOUSE GAS EMISSIONS AT FACILITIES AT FOUR SELECTED STATE DEPARTMENTS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 1176, A BILL TO BE ENTITLED AN ACT TO EXEMPT LIQUEFIED PETROLEUM GAS SOLD TO INDIVIDUALS FOR DOMESTIC CONSUMPTION FROM THE STATE AND LOCAL SALES AND USE TAX.

Referred to the **Finance Committee**.

By Senators Albertson; Hoyle, Jenkins and Weinstein:

S.B. 1177, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE COMMUNITY CONSERVATION ASSISTANCE PROGRAMS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 1178, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE UTILITIES COMMISSION TO APPROVE CENTRAL NATURAL GAS SYSTEMS AND METERS TO SERVE RESIDENTS IN MULTIUNIT RESIDENTIAL BUILDINGS WHO USE ENERGY EFFICIENT APPLIANCES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Albertson:

S.B. 1179, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF DEALERS OF LIQUEFIED PETROLEUM GAS AND THEIR

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EMPLOYEES, AGENTS, AND SUBCONTRACTORS UNDER CERTAIN SPECIFIED CIRCUMSTANCES.

Referred to the **Judiciary I Committee**.

By Senators Dalton and Swindell:

S.B. 1180, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT MAY NOT IMPOSE A TAX, FEE, OR MONETARY CONTRIBUTION FOR DEVELOPMENT THAT IS NOT SPECIFICALLY AUTHORIZED BY LAW.

Referred to the **Finance Committee**.

By Senator Kerr:

S.B. 1181, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADDITIONAL DISTRICT COURT JUDGE FOR DISTRICT COURT DISTRICT 3A, AN ADDITIONAL ASSISTANT DISTRICT ATTORNEY AND TWO ADDITIONAL VICTIM WITNESS ASSISTANTS FOR PROSECUTORIAL DISTRICT 8, AND TO ESTABLISH A FAMILY COURT PILOT PROGRAM IN DISTRICT COURT DISTRICT 3A.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Garrou; Cowell, Dorsett, Hagan, Kinnaird and Purcell:

S.B. 1182, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES PERTAINING TO THE SCHOOL HEALTH EDUCATION PROGRAM.

Referred to the **Education/Public Instruction Committee**.

By Senators Garrou; Atwater, Basnight, Bingham, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Foriest, Forrester, Graham, Hagan, Malone, Purcell, Rand, Stevens and Swindell:

S.J.R. 1183, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BENJAMIN SYLVESTER "BEN" RUFFIN, JR., FORMER CHAIR OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Shaw; and Atwater:

S.B. 1184, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE, TO APPLY FOR A MEDICAID WAIVER THAT WOULD PROVIDE MEDICAID BENEFITS TO LOW-INCOME PERSONS WITH HIV.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Shaw:

S.B. 1185, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF CREDIT SCORING AS THE SOLE OR PARTIAL BASIS OF

TERMINATING CERTAIN INSURANCE POLICIES OR SUBJECTING CERTAIN POLICIES TO CONSENT TO RATE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Shaw:

S.B. 1186, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH A SCHOOL OF ENGINEERING AT FAYETTEVILLE STATE UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Shaw:

S.B. 1187, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO ADD APPROPRIATE GRADE-LEVEL CURRICULUM MATERIALS ON THE 1898 WILMINGTON RACE RIOT, AS RECOMMENDED BY THE 1898 WILMINGTON RACE RIOT COMMISSION.

Referred to the **Education/Public Instruction Committee**.

By Senator Shaw:

S.B. 1188, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, TO ALLOW PAYMENTS FOR PERSONAL CARE SERVICES TO CERTAIN GUARDIANS AND FAMILY MEMBERS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Allran, Pittenger; Apodaca, Berger of Rockingham, Blake, Brown, East, Forrester, Goodall, Hunt, Jacumin, Preston, Stevens and Tillman:

S.B. 1189, 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 **Judiciary I Committee**.

By Senators Nesbitt; and Apodaca:

S.B. 1190, 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 Nesbitt; and Atwater:

S.B. 1191, A BILL TO BE ENTITLED AN ACT TO MAKE CASE

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MANAGEMENT AN ADMINISTRATIVE FUNCTION TO BE IMPLEMENTED BY LOCAL MANAGEMENT ENTITIES AND TO APPROPRIATE FUNDS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 1192, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BLACK MOUNTAIN TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Select Committee on Employee Hospital and Medical Benefits**.

By Senator Nesbitt:

S.J.R. 1193, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BEN W. AIKEN, AN ADVOCATE FOR PERSONS NEEDING SERVICES AND SUPPORTS FOR MENTAL ILLNESS, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Nesbitt:

S.B. 1194, 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 Senator Nesbitt:

S.B. 1195, 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**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 53, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF ORIENTAL TO EXERCISE EXTRATERRITORIAL PLANNING JURISDICTION IN A DEFINED AREA.

Referred to the **Finance Committee**.

H.B. 180, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF FOUR OAKS.

Referred to the **Finance Committee**.

H.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THOSE GOLF CARTS THAT MAY BE REGULATED IN THE TOWNS OF BENSON, BLADENBORO, CHADBURN, CLARKTON,

March 22, 2007

ELIZABETHTOWN, ROSE HILL, AND TABOR CITY AND TO AUTHORIZE THE TOWN OF FOUR OAKS TO REGULATE GOLF CARTS.

Referred to the **Finance Committee**.

H.B. 188, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ROANOKE RAPIDS AND THE TOWNS OF AHOSKIE AND WELDON.

Referred to the **Finance Committee**.

H.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE TAKING OF FOXES AND COYOTES BY TRAPPING IN CUMBERLAND, HARNETT, AND MOORE COUNTIES.

Referred to the **State & Local Government Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:44 P.M.

THIRTY-FIFTH DAY

Senate Chamber
Monday, March 26, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we begin a new week in the Senate having turned over the pages of last week's activities renewed and ready to start over. We can't really start over with any authenticity unless we pray as did the Publican, 'Father, be merciful to me a sinner.' Having confessed our shortcomings and accepted the grace of your forgiveness, we begin our week at peace inside our own skins and glad in each other's presence. We also ask that you hear our prayers of comfort and strength for Senator Malone as he grieves the loss of his wife, Susan. In your holy name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Allran, Senator Cowell and Senator Malone.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, March 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

March 26, 2007

The Chair extends privileges of the floor to Dr. Steven Landau from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Donna White from Clayton, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 61, AN ACT TO AMEND THE CHILD RESTRAINT LAW TO ENSURE COMPLIANCE WITH FEDERAL REGULATIONS.

H.B. 123, AN ACT TO AUTHORIZE THE STATE HEALTH DIRECTOR TO SHARE EMERGENCY DEPARTMENT DATA WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) FOR PUBLIC HEALTH PURPOSES.

H.B. 124, AN ACT TO AMEND THE EMBARGO AUTHORITY OF THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH DIRECTORS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 74, AN ACT TO ADD VARIOUS MUNICIPALITIES TO THE AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

H.B. 217, AN ACT AUTHORIZING THE TOWNS OF CORNELIUS AND DAVIDSON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

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. 50, AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO INVESTIGATE THE POTENTIAL FOR AGREEMENTS WITH OTHER STATES FOR THE RECIPROCAL HONORING OF HUNTING AND FISHING LICENSES FOR THE DISABLED. (Became law upon approval of the Governor, March 22, 2007 - S.L. 2007-2.)

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INTRODUCTION OF BILLS AND RESOLUTIONS

A Senate Resolution is filed for introduction, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Swindell:

S.R. 1486, A SENATE RESOLUTION TO AMEND THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the Senate resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Swindell, the Senate resolution is adopted (32-13).

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
March 26, 2007

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 March 22, 2007, Tricia Ann Cotham has been administered the oath of office as a Member of the House of Representatives for the remainder of the 2007 General Assembly. Representative Cotham has been seated to fill the vacancy created by the resignation of Representative James B. Black from the One Hundredth District.

Representative Cotham has been appointed to the following committees:

Commerce, Small Business and Entrepreneurship
Education, Subcommittee on Preschool, Elementary and Secondary
Education
Finance
Financial Institutions
Judiciary III
Juvenile Justice

Respectfully,
S/Denise G. Weeks
Principal Clerk

March 26, 2007

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 326, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF GREEN LEVEL AND LIMITING THE AREA IN WHICH THE TOWN MAY MAKE SATELLITE ANNEXATIONS.

Referred to the **Finance Committee**.

H.B. 545, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

H.B. 564, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BRUNSWICK COUNTY ALCOHOLIC BEVERAGE CONTROL SYSTEM TO RELOCATE A STORE TO A NEW LOCATION WITHIN SEVEN MILES OF ANOTHER ALCOHOLIC BEVERAGE CONTROL STORE IN BRUNSWICK COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE COMMISSION FOR HEALTH SERVICES TO BETTER REFLECT THE FUNCTIONS AND DUTIES PERFORMED BY THE DIVISION AND THE COMMISSION.

Referred to the **Health Care Committee**.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 382, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

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S.B. 570, A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF WATHA, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 645, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SAMPSON COUNTY TO LEVY A ROOM OCCUPANCY TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 41, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---41.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.

The bill is ordered sent to the House of Representatives.

S.B. 616 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF RIVER BEND TO ANNEX AND EXERCISE EXTRATERRITORIAL JURISDICTION AS PROVIDED UNDER GENERAL LAW, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for March 27, upon third reading.

S.B. 224 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF OCEAN ISLE BEACH, EMERALD ISLE,

March 26, 2007

AND HOLDEN BEACH TO SET CANAL DREDGING FEES BASED ON A PROPERTY OWNER'S FRONTAGE ABUTTING A DREDGING PROJECT.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 448 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY AND IDENTIFY PROGRAM AND SERVICE NEEDS FOR OLDER ADULTS IN BRUNSWICK AND OTHER COUNTIES.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 666 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN EXPANSION OF THE MEMBERSHIP OF THE NORTH CAROLINA INSTITUTE OF MEDICINE.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator East to the **Judiciary II Committee** and Senator Hartsell to the **State & Local Government Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Ben Abele, Yanceyville; Elise Abele, Yanceyville; Ruth Bibby, Garner; Vinnie Cannon, Concord; McKinley Cobb, Fairview; Devin Gerney, Raleigh; Ruth Gibson, Asheville; Leah Handermann, Asheville; Sarah Kaminer, Mars Hill; Hannah Lewis, Fuquay-Varina; Nathan Snowden, Morganton; Rachelle Stickel, Chapel Hill; Santana Whitman, Maxton; Monghany Winters, Raleigh; and Keefer Wynn, Raleigh.

ADDITIONAL SPONSORS

Senator Atwater requests to be added as a sponsor of previously introduced legislation:

S.B. 132, A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF CERTAIN PORNOGRAPHY LAWS BY AMENDING THE DEFINITION OF SEXUAL ACTIVITY; TO INCREASE THE PENALTY FOR FIRST, SECOND, AND THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR; TO PROVIDE THAT IT SHALL BE ILLEGAL FOR THE OWNER OR OPERATOR OF A SOCIAL NETWORKING WEB SITE TO ALLOW A

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MINOR USING A PROTECTED COMPUTER TO CREATE OR MAINTAIN A PROFILE WEB PAGE ON A SOCIAL NETWORKING WEB SITE WITHOUT THE PERMISSION OF THE MINOR'S PARENT OR GUARDIAN AND WITHOUT PROVIDING SUCH PARENT OR GUARDIAN ACCESS TO SUCH PROFILE WEB PAGE AND TO PROVIDE FOR PENALTIES; TO PROVIDE THAT A FILM PROCESSOR, PHOTO FINISHER, OR COMPUTER TECHNICIAN WHO, IN THE COURSE OF WORK, ENCOUNTERS AN IMAGE OF A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE CUSTOMER REQUESTING THE WORK TO THE APPROPRIATE AUTHORITIES; TO INCREASE THE PENALTY FOR CERTAIN OFFENSES OF SOLICITATION OF CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT; TO MAKE IT A FELONY TO LIE TO A SWORN SBI AGENT CONDUCTING AN OFFICIAL INVESTIGATION; TO PROVIDE THAT AN INVESTIGATIVE GRAND JURY MAY INVESTIGATE CERTAIN ALLEGED CRIMES IN ADDITION TO THOSE RELATING TO CONTROLLED SUBSTANCES AND TO AMEND THE PROCEDURE FOR CONVENING AN INVESTIGATIVE GRAND JURY.

S.B. 1086, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS BY ANY PERSON IN PUBLIC SCHOOL BUILDINGS AND SCHOOL FACILITIES, ON THE PUBLIC SCHOOL CAMPUS, AND IN OR ON OTHER SCHOOL PROPERTY.

S.B. 1087, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE NUMBER OF SCHOOL NURSES.

S.B. 1088, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TREATMENT AND PREVENTION OF CANCER.

S.B. 1089, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE STANDARD OF PROOF IN CERTAIN MEDICAL MALPRACTICE ACTIONS.

S.B. 1096, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INMATE WORK ASSIGNMENTS FROM THE STATE SURPLUS LAWS AND TO REMOVE ANTIQUATED LANGUAGE REGARDING THE USE OF FEMALE INMATES IN PRISON LABOR PROJECTS.

REMOVAL OF BILL CO-SPONSOR

Senator Purcell requests that he be removed as a sponsor of previously introduced legislation:

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S.B. 717, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF ANIMAL EXHIBITIONS AT AGRICULTURAL FAIRS.

Upon motion of Senator Dannelly, seconded by Senator Brock, the Senate adjourns subject to introduction of bills and receipt of messages from the House of Representatives, to meet Tuesday, March 27, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Clodfelter:

S.B. 1196, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 1197, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENTS TO ISSUE BONDS TO FUND OTHER POST-EMPLOYMENT BENEFITS.

Referred to the **Finance Committee**.

By Senators Clodfelter; and Berger of Rockingham:

S.B. 1198, A BILL TO BE ENTITLED AN ACT TO REGULATE THE PRACTICE OF DEBT SETTLEMENT BY THE STATE BANKING COMMISSION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Clodfelter:

S.B. 1199, A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS IN THE LOCAL DEVELOPMENT ACT AND THE POPULATION REQUIREMENTS FOR AGRARIAN GROWTH ZONES.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 1200, A BILL TO BE ENTITLED AN ACT TO ALLOW MUNICIPALITIES THAT RECEIVE AN ALLOCATION OF FUNDS FROM THE HIGHWAY FUND AND THE HIGHWAY TRUST FUND FOR THE PURPOSES OF PROVIDING QUALIFYING MUNICIPALITIES WITH MONIES FOR REPAIR, MAINTENANCE, CONSTRUCTION, RECONSTRUCTION, WIDENING, OR IMPROVING STREETS OF THE MUNICIPALITY AN OPTION TO ELECT TO CONTINUE TO RECEIVE ALLOCATIONS OR HAVE THE ALLOCATION REPROGRAMMED TO

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FUND ANY PROJECT ON THE DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION IMPROVEMENT LIST.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter:

S.B. 1201, A BILL TO BE ENTITLED AN ACT TO ADDRESS THE INFRASTRUCTURE NEEDS OF THE STATE BY PROVIDING PERMANENT SOURCES OF FUNDING FOR INFRASTRUCTURE AND TO REQUIRE THE ANNUAL DEBT AFFORDABILITY STUDY TO INCLUDE DEBT CAPACITY FOR HIGHWAY FUNDS.

Referred to the **Finance Committee**.

By Senator Jacumin:

S.B. 1202, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CITATION MAY BE ISSUED FOR A LITTERING OFFENSE THAT INVOLVES THE OPERATION OF A MOTOR VEHICLE BASED ON THE AFFIDAVIT OF A WITNESS.

Referred to the **Judiciary II Committee**.

By Senators Nesbitt, Goss, Queen, Snow, Boseman, Clodfelter; Atwater, Bingham, Graham, Hartsell, Kinnaird, Stevens and Tillman:

S.B. 1203, A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX RELIEF FOR QUALIFYING WILDLIFE CONSERVATION LAND, TO REDUCE THE ACREAGE REQUIREMENT FOR AGRICULTURAL LAND, AND TO CLARIFY THE PRESENT-USE VALUATION OF PROPERTY SUBJECT TO A CONSERVATION EASEMENT.

Referred to the **Finance Committee**.

By Senators Nesbitt; Atwater, Bingham, Boseman, Clodfelter, Goss, Graham, Hartsell, Hoyle, Kerr, Queen, Snow, Soles, Stevens and Tillman:

S.B. 1204, A BILL TO BE ENTITLED AN ACT TO ESTABLISH NEW CIVIL PENALTIES FOR EMISSIONS VIOLATIONS BASED ON THE TYPE OF VIOLATION THAT HAS OCCURRED.

Referred to the **Judiciary I Committee**.

By Senators Nesbitt, Hartsell; Albertson, Atwater, Berger of Franklin, Bingham, Cowell, Graham, Jones, Kinnaird, Purcell, Shaw, Snow and Swindell:

S.B. 1205, A BILL TO BE ENTITLED AN ACT TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; AND TO IMPOSE REGULATORY SURCHARGES TO FINANCE THE FUND.

Referred to the **Select Committee on Government and Election Reform**.

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By Senator Rand:

S.B. 1206, A BILL TO BE ENTITLED AN ACT TO AMEND THE ELEVATOR SAFETY ACT OF NORTH CAROLINA TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF LABOR TO ESTABLISH LICENSURE REQUIREMENTS, SET FEES, AND ADOPT RULES FOR PERSONS PERFORMING WORK AS ELEVATOR CONTRACTORS AND MECHANICS; AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1207, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAW PERTAINING TO THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Select Committee on Employee Hospital and Medical Benefits**.

By Senator Rand:

S.B. 1208, A BILL TO BE ENTITLED AN ACT TO FUND THE CANCER HOSPITAL AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL BY RAISING THE EXCISE TAX ON CIGARETTES.

Referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1209, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1210, A BILL TO BE ENTITLED AN ACT PLACING LIMITATIONS ON NOMINATIONS BY THE NORTH CAROLINA MEDICAL SOCIETY TO THE NORTH CAROLINA MEDICAL BOARD.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 1211, A BILL TO BE ENTITLED AN ACT TO REQUIRE FINGERPRINTING OF ANY PERSON ARRESTED FOR ANY OFFENSES INVOLVING IMPAIRED DRIVING OR FOR DRIVING WHILE LICENSE REVOKED.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 1212, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PROGRAM IN THE HUMANITIES AND HUMAN VALUES AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Rand:

S.B. 1213, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM ANNUAL PENSION BENEFIT PAYABLE THROUGH THE REGISTER OF DEEDS' SUPPLEMENTAL PENSION FUND AND TO MAKE OTHER ADJUSTMENTS TO THE FUND.

Referred to the **Pensions & Retirement and Aging Committee**.

By Senators Rand; and Berger of Rockingham:

S.B. 1214, A BILL TO BE ENTITLED AN ACT TO AMEND THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 1215, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO IMPROVE THE QUALITY OF JUSTICE EDUCATION BY SUPPORTING THE LAW SCHOOLS IN THE STATE UNIVERSITY SYSTEM.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Goss; and Berger of Rockingham:

S.B. 1216, A BILL TO BE ENTITLED AN ACT ALLOWING A NONPROFIT ORGANIZATION TO BE ISSUED A BUILDING PERMIT WHETHER OR NOT THE NONPROFIT ORGANIZATION EMPLOYS ON ITS STAFF OR CONTRACTS FOR THE SERVICES OF A GENERAL CONTRACTOR LICENSED UNDER THE LAWS OF THIS STATE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Goodall; Clodfelter, Graham and Pittenger:

S.B. 1217, A BILL TO BE ENTITLED AN ACT TO CREATE A WINDOW TINT CERTIFICATION PROCESS AND REQUIRE ANY MOTOR VEHICLE THAT HAS AFTER-FACTORY WINDOW TINTING TO HAVE A CERTIFICATE OF COMPLIANCE THAT IS ATTACHED TO THE MOTOR VEHICLE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Goodall; Berger of Rockingham, Brown, Brunstetter, Cowell, Forrester, Rand, Smith and Stevens:

S.B. 1218, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CANDIDATES TO DISCLOSE FELONY CONVICTIONS.

Referred to the **Select Committee on Government and Election Reform**.

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By Senators Goodall; Forrester, Pittenger, Smith and Stevens:

S.B. 1219, A BILL TO BE ENTITLED AN ACT TO PROHIBIT CONTINGENCY FEES BASED ON ECONOMIC DEVELOPMENT INCENTIVES RECEIVED FROM THE STATE.

Referred to the **Judiciary II Committee**.

By Senators Goodall; Brown, Cowell, Forrester and Graham:

S.B. 1220, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS TO PURCHASE EQUIPMENT AND PRODUCE TELEVISED SESSIONS OF THE GENERAL ASSEMBLY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Cowell:

S.B. 1221, A BILL TO BE ENTITLED AN ACT RELATING TO THE ABATEMENT OF NUISANCES CAUSED BY PORTABLE STORAGE UNITS AND REQUIRING THAT COUNTIES AND MUNICIPALITIES ADOPT ORDINANCES REGULATING THOSE UNITS.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Cowell; and Atwater:

S.B. 1222, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA SOLAR CENTER AT NORTH CAROLINA STATE UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Cowell:

S.J.R. 1223, A JOINT RESOLUTION REQUIRING THAT THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON INFORMATION TECHNOLOGY STUDY THE IMPROVEMENT OF INFORMATION TECHNOLOGY EFFICIENCY AND PROJECT MANAGEMENT.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Brunstetter; Apodaca, Atwater, Garrou, Stevens and Tillman:

S.B. 1224, A BILL TO BE ENTITLED AN ACT TO CREATE THE ZOOLOGICAL PARK FUNDING AND ORGANIZATION STUDY COMMISSION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Dalton:

S.B. 1225, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EQUIPMENT, SUPPLIES, AND CAPITAL COSTS AT CLEVELAND COMMUNITY COLLEGE.

Referred to the **Appropriations/Base Budget Committee**.

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By Senators Dalton; and Berger of Rockingham:

S.B. 1226, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED HEALTH CARE PROFESSIONALS TO RETURN TO EMPLOYMENT WITH LOCAL HEALTH DEPARTMENTS WITHOUT LOSING RETIREMENT BENEFITS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter:

S.B. 1227, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE GOVERNMENT ETHICS ACT.

Referred to the **Select Committee on Government and Election Reform**.

By Senator Clodfelter:

S.B. 1228, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT ETHICS ACT.

Referred to the **Select Committee on Government and Election Reform**.

By Senator Clodfelter:

S.B. 1229, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE BUDGET ACT TO PROVIDE FOR THE BUDGETARY INDEPENDENCE OF THE JUDICIAL BRANCH.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Cowell; and Atwater:

S.B. 1230, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR THE SEXUAL ASSAULT CRISIS CENTERS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 1231, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE WESTERN NORTH CAROLINA FARMERS MARKET.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 1232, A BILL TO BE ENTITLED AN ACT REQUIRING RAILROADS TO ADOPT AND IMPLEMENT PLANS FOR THE PROTECTION AGAINST TERRORISM, SABOTAGE, AND OTHER CRIMES AGAINST RAIL FACILITIES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Nesbitt and Apodaca:

S.B. 1233, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RENOVATE RHOADES HALL AND TOWER AT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE.

Referred to the **Appropriations/Base Budget Committee**.

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By Senators Nesbitt and Apodaca:

S.B. 1234, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ASSIST WITH PLANNING COSTS FOR THE RENOVATION OF CARMICHAEL HALL AT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Nesbitt and Apodaca:

S.B. 1235, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO HELP WITH OPERATING COSTS AT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Nesbitt, Purcell, Berger of Franklin; and Atwater:

S.B. 1236, 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 EXPANSION OF SERVICES AND SUPPORT FOR PERSONS WITH MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND ADDICTIVE DISEASES, AS RECOMMENDED BY COALITION 2001.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 1237, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE INTERNATIONAL INSTITUTE FOR NATURAL BIOTECHNOLOGY AND INTEGRATIVE MEDICINE AT THE NORTH CAROLINA ARBORETUM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt:

S.B. 1238, A BILL TO BE ENTITLED AN ACT TO DEFINE CAREER FIREFIGHTERS' AND CAREER RESCUE SQUAD WORKERS' ACCRUAL RATES FOR MEMBERS AND BENEFICIARIES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**.

By Senator Nesbitt:

S.B. 1239, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES REQUIRING SAFE WALKWAYS FOR RAILROAD WORKERS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senators Kerr, Hoyle; and Berger of Rockingham:

S.B. 1240, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ALL BREAD SOLD AT A BAKERY THRIFT STORE IS TAXED AT THE SAME SALES TAX RATE.

Referred to the **Finance Committee**.

By Senator Kerr:

S.B. 1241, 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 Senators Dorsett; Atwater and Cowell:

S.B. 1242, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO RETAINAGE ON PAYMENTS ON PUBLIC CONSTRUCTION CONTRACTS, AS RECOMMENDED BY THE RETAINAGE STUDY COMMITTEE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Dorsett:

S.B. 1243, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A STUDENT SERVICES CENTER AT NORTH CAROLINA AGRICULTURAL & TECHNICAL STATE UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jenkins, Kerr; Brown, Jones, Preston and Swindell:

S.B. 1244, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DENTAL SCHOOL AT EAST CAROLINA UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jenkins; Atwater, Bingham, Hoyle, Jones and Malone:

S.B. 1245, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO RETAINAGE PAYMENTS ON CONSTRUCTION CONTRACTS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Jenkins; Brown and Jones:

S.B. 1246, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PLACEMENT OF PROCESSED FOODS IN AREAS FREQUENTED BY BLACK BEARS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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By Senators Jenkins; Kerr and Preston:

S.B. 1247, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA WILDLIFE RESOURCES COMMISSION TO EXPERIMENTALLY SPAWN RIVER HERRING.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jenkins; and Jones:

S.B. 1248, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO NORTH CAROLINA'S NORTHEAST COMMISSION.

Referred to the **State & Local Government Committee**.

By Senator Jenkins:

S.B. 1249, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EDGECOMBE COMMUNITY COLLEGE FOR THE CONSTRUCTION OF A COMMUNITY HEALTH EDUCATION CENTER.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jenkins:

S.B. 1250, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ONLINE DEALER PROCESS FOR THE REGISTRATION AND TITLING OF MOTOR VEHICLES, TO ESTABLISH FEES FOR SERVICES PROVIDED BY THE THIRD-PARTY ELECTRONIC SYSTEM REGISTRATION AND TITLING SERVICE PROVIDERS, AND TO PROVIDE FOR FEES TO THE STATE AND COMMISSION CONTRACT OFFICES THAT PROVIDE QUALITY ASSURANCE CHECKS FOR DEALERS THAT HAVE A CONTRACT AND WHO USE THE THIRD-PARTY ELECTRONIC SYSTEM REGISTRATION AND TITLING SERVICE PROVIDER.

Referred to the **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Brock, Berger of Franklin, Snow; Allran, Berger of Rockingham, Brown, Brunstetter, Goodall, Pittenger and Preston:

S.B. 1251, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PERSON MAY USE FORCE TO DEFEND HIMSELF OR HERSELF OR ANOTHER PERSON OR TO PREVENT THE IMMINENT COMMISSION OF A FORCIBLE FELONY.

Referred to the **Judiciary I Committee**.

By Senators Brock; Berger of Rockingham, Goodall and Pittenger:

S.B. 1252, A BILL TO BE ENTITLED AN ACT TO REVERT LAPSED SALARIES TO THE GENERAL FUND FOR THE RAINY DAY FUND AND TO ENCOURAGE ACCURACY IN BUDGETING BY CORRECTLY

FUNDING SALARIES AND SALARY-RELATED EXPENDITURES FOR STATE EMPLOYEES AND TEACHERS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Brock; Berger of Rockingham, Goodall, Hunt, and Pittenger:

S.B. 1253, A BILL TO BE ENTITLED AN ACT TO RESTRICT VOTER REGISTRATION FORMS AND BALLOTS TO THE ENGLISH LANGUAGE EXCEPT AS REQUIRED BY FEDERAL LAW; AND TO LIMIT THE ROLE OF POLITICAL PARTIES IN CAMPAIGN FUND-RAISING.

Referred to the **Select Committee on Government and Election Reform**.

By Senator Weinstein:

S.B. 1254, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE OPERATIONS OF THE AQUARIUMS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1255, A BILL TO BE ENTITLED AN ACT TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT BY ENCOURAGING COUNTIES TO DEVELOP PLANS THAT PROVIDE FOR THE DECONSTRUCTION OF ABANDONED MANUFACTURED HOMES AND THE REMOVAL OF REUSABLE OR RECYCLABLE COMPONENTS AND BY PROVIDING FOR THE ABATEMENT OF ABANDONED MANUFACTURED HOMES THAT ARE DETERMINED TO BE A NUISANCE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Rand:

S.B. 1256, 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.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1257, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LEGISLATIVE TUITION GRANT SHALL BE AVAILABLE FOR ANY PERSON WHO ATTENDS A PRIVATE INSTITUTION OF HIGHER EDUCATION IF THE PERSON ALSO QUALIFIES FOR IN-STATE TUITION UNDER THE PROVISIONS OF CHAPTER 116 OF THE GENERAL STATUTES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1258, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE CENTRAL COORDINATION OF SUPPLEMENTAL POSTTAX

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INSURANCE PRODUCTS AVAILABLE TO STATE EMPLOYEES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Rand:

S.B. 1259, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROVIDER OF WATER SERVICES WHO SATISFIES THE STANDARDS OF THE NORTH CAROLINA DRINKING WATER ACT IS NOT AN INSURER OF THE QUALITY OF WATER PROVIDED.

Referred to the **Judiciary I Committee**.

By Senators Rand; and Berger of Rockingham:

S.B. 1260, A BILL TO BE ENTITLED AN ACT TO REGULATE POLITICAL ORGANIZATIONS AS DEFINED BY SECTION 527 OF THE INTERNAL REVENUE CODE.

Referred to the **Select Committee on Government and Election Reform**.

By Senators Atwater; Berger of Franklin, Cowell, Goss, Graham, Kinnaird and Nesbitt:

S.B. 1261, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE CANDIDATES FOR FOUR LEGISLATIVE SEATS WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A VOLUNTARY TAXPAYER-DESIGNATED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; TO PROVIDE CANDIDATES IN THE PILOT PROGRAM WITH "RESCUE" FUNDS TO OFFSET HIGH LEVELS OF SPENDING BY OPPOSING CANDIDATES, ELECTIONEERING COMMUNICATIONS, AND CANDIDATE-SPECIFIC COMMUNICATIONS.

Referred to the **Select Committee on Government and Election Reform** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Nesbitt; Allran, Atwater, Cowell, Dannelly, Forrester, Malone and Purcell:

S.B. 1262, A BILL TO BE ENTITLED AN ACT TO EXTEND THE FIRST COMMITMENT PILOT PROGRAM, TO FURTHER CLARIFY LME CORE FUNCTIONS, AND TO ALLOW ADDITIONAL TIME FOR AN LME TO MERGE WHEN IT HAS GONE BELOW THE TWO HUNDRED THOUSAND POPULATION OR SIX COUNTY THRESHOLD DUE TO A CHANGE IN COUNTY MEMBERSHIP AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Health Care Committee**.

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By Senator Nesbitt:

S.B. 1263, A BILL TO BE ENTITLED AN ACT TO AMEND THE ELECTION LAWS.

Referred to the **Select Committee on Government and Election Reform**.

By Senators Nesbitt; Atwater, Dannelly, Dorsett, Garrou, Graham, Hagan, Hartsell, Jones, Malone and Stevens:

S.B. 1264, A BILL TO BE ENTITLED AN ACT (1) TO OVERTURN THE SHEPARD CASE AND AMEND THE LIMITATION REGARDING ACTIONS TO RECOVER FOR USURY; (2) TO OVERTURN THE SKINNER CASE AND AMEND THE LONG-ARM STATUTE TO ALLOW NORTH CAROLINA COURTS TO EXERCISE PERSONAL JURISDICTION OVER CERTAIN NONRESIDENT DEFENDANTS; (3) TO ALLOW THE REINSTATEMENT OF A DEBT SECURED BY A MORTGAGE OR DEED OF TRUST WHERE THE DEBTOR MAKES OR TENDERS PAYMENT OF CERTAIN SUMS; (4) TO REQUIRE THAT A NOTICE OF FORECLOSURE CONTAIN CERTAIN INFORMATION; AND (5) TO MAKE OTHER AMENDMENTS TO THE LAW GOVERNING HOME LOANS.

Referred to the **Judiciary I Committee**.

By Senators Nesbitt; Allran, Cowell, Dannelly, Forrester, Malone and Purcell:

S.B. 1265, A BILL TO BE ENTITLED AN ACT TO CREATE A UNIFORM SLIDING FEE SCHEDULE FOR MH/DD/SA SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Health Care Committee**.

By Senators Nesbitt; Allran, Atwater, Cowell, Dannelly, Forrester and Purcell:

S.B. 1266, A BILL TO BE ENTITLED AN ACT TO BUILD COMMUNITY INFRASTRUCTURE FOR 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 **Appropriations/Base Budget Committee**.

By Senator Boseman:

S.B. 1267, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF TRANSPORTATION FOR SHORT-LINE RAILROAD MATCHING GRANTS.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Boseman:

S.B. 1268, A BILL TO BE ENTITLED AN ACT TO TAX THE UNLAWFUL DISTRIBUTION OF CONTROLLED SUBSTANCES AND TO CREATE THE BLAIRE THOMPSON FUND.

Referred to the **Finance Committee**.

By Senator Boseman:

S.B. 1269, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FEES ASSOCIATED WITH AN EMERGENCY COASTAL AREA MANAGEMENT ACT PERMIT SHALL BE WAIVED.

Referred to the **Finance Committee**.

By Senator Snow:

S.B. 1270, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LARCENY STATUTES AND TO CREATE THE CRIMINAL OFFENSES OF THEFT OF INFANT FORMULA AND ORGANIZED RETAIL THEFT.

Referred to the **Judiciary II Committee**.

By Senator Snow:

S.B. 1271, A BILL TO BE ENTITLED AN ACT TO PROVIDE PAYROLL DEDUCTIONS FOR CERTAIN EMERGENCY MEDICAL PERSONNEL.

Referred to the **State & Local Government Committee**.

By Senator Snow:

S.B. 1272, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF BIODIESEL FOR THE QUALITY AND SAFETY OF MOTORISTS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Snow:

S.B. 1273, A BILL TO BE ENTITLED AN ACT TO REDUCE THE EXCISE TAX ON BIODIESEL TO HELP REDUCE DEPENDENCE ON IMPORTED PETROLEUM AND IMPROVE AIR QUALITY.

Referred to the **Finance Committee**.

By Senator Snow:

S.B. 1274, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE VOCATIONAL AND TECHNICAL TRAINING FACILITY ON THE GRAHAM COUNTY CAMPUS OF THE TRI-COUNTY COMMUNITY COLLEGE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Snow:

S.B. 1275, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PISGAH ASTRONOMICAL RESEARCH INSTITUTE.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Snow:

S.B. 1276, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE WESTERN NORTH CAROLINA REGION COALITION FOR SAFE AND DRUG-FREE COMMUNITIES PROJECT.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Snow:

S.B. 1277, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL VEHICLES TRANSFERRED TO OR PURCHASED BY THE STATE THAT ARE CAPABLE OF OPERATING ON DIESEL FUEL SHALL HAVE A MANUFACTURER'S WARRANTY THAT COVERS THE USE OF B-20 FUEL.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Snow:

S.B. 1278, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN EXEMPTION FROM THE MOTOR FUELS EXCISE TAX FOR ETHANOL PRODUCED BY INDIVIDUAL PRODUCER-USERS.

Referred to the **Finance Committee**.

By Senator Snow:

S.B. 1279, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF PROVIDERS OF WHITE-WATER RAFTING ACTIVITIES IN THIS STATE.

Referred to the **Judiciary II Committee**.

By Senator Snow:

S.B. 1280, A BILL TO BE ENTITLED AN ACT TO ESTABLISH STATE COURT FACILITIES FEES TO BE USED FOR THE MAINTENANCE, RENOVATION, CONSTRUCTION, AND PURCHASE OF STATE JUDICIAL FACILITIES AND TO ESTABLISH THE JUDICIAL DEPARTMENT FACILITIES RESERVE FUNDS AS A SPECIAL REVENUE ACCOUNT FOR RECEIPT OF THOSE FEES.

Referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Snow:

S.B. 1281, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE LAW AFFECTING THE STATE COURT SYSTEM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Snow:

S.B. 1282, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF WILDLIFE PROTECTORS TO ENFORCE CRIMINAL

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LAWS NOT OTHERWISE WITHIN THEIR JURISDICTION WHILE ON DUTY.

Referred to the **Judiciary II Committee**.

By Senators Snow; and Atwater:

S.B. 1283, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GIVE PUBLIC SCHOOL STUDENTS THE OPPORTUNITY TO TAKE THE SAT TEST ONE TIME AT STATE EXPENSE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Snow:

S.B. 1284, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW PERTAINING TO THE CONFIDENTIALITY OF SCHOOL PERSONNEL FILES.

Referred to the **Judiciary II Committee**.

By Senator Snow:

S.B. 1285, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF BIOPTIC LENSES WHEN TESTING FOR A DRIVERS LICENSE AND THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT PASSES CERTAIN REQUIREMENTS AFTER PASSING THE DRIVERS LICENSE EYE TEST.

Referred to the **Judiciary II Committee**.

By Senator Snow:

S.B. 1286, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF MARINE FISHERIES INSPECTORS AND WILDLIFE PROTECTORS TO ENTER PRIVATE LANDS TO ENFORCE LAWS UNDER THEIR JURISDICTIONS.

Referred to the **Judiciary II Committee**.

By Senator Snow:

S.B. 1287, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE JUDICIAL DEPARTMENT IS A BRANCH OF GOVERNMENT THAT MAY HAVE ACCESS TO SOCIAL SECURITY INFORMATION SUBMITTED AS PART OF AN APPLICATION FOR A DRIVERS LICENSE AND KEPT ON FILE AT THE DIVISION OF MOTOR VEHICLES.

Referred to the **Judiciary II Committee**.

By Senators Snow; and Atwater:

S.B. 1288, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO REGIONAL COUNCILS OF GOVERNMENT TO ASSIST LOCAL GOVERNMENTS ON A REGIONAL BASIS IN THE AREAS OF ECONOMIC DEVELOPMENT, COMMUNITY DEVELOPMENT,

INFRASTRUCTURE, AND OTHER SIGNIFICANT LOCAL NEEDS AND TO PROVIDE TARGETED ASSISTANCE TO AID LOCAL GOVERNMENTS IN DISTRESSED COUNTIES WITH ECONOMIC RECOVERY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Snow:

S.B. 1289, 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 Snow and Berger of Franklin:

S.B. 1290, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF ALCOHOL MONITORING SYSTEMS TO BE USED TO MONITOR INDIVIDUALS WHO HAVE BEEN SENTENCED FOR DWI CONVICTIONS OR AS NECESSARY BY THE COURTS TO ENSURE COMPLIANCE WITH CONDITIONS OF RELEASE, PROBATION, OR PAROLE.

Referred to the **Judiciary I Committee**.

By Senators Swindell; Atwater and Malone:

S.B. 1291, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A SCHOOL LEADERSHIP PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Swindell; and Malone:

S.B. 1292, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT A POLICY REQUIRING TEACHERS TO TAKE CREDITS IN THEIR ACADEMIC SUBJECT AREA AS PART OF THE LICENSURE RENEWAL PROCESS.

Referred to the **Education/Public Instruction Committee**.

By Senators Swindell; and Malone:

S.B. 1293, A BILL TO BE ENTITLED AN ACT TO INCREASE FEES CHARGED BY THE WILDLIFE RESOURCES COMMISSION, TO AUTHORIZE FIELD TRIAL PERMITS, TO INCREASE THE COST OF COLLECTION LICENSES, GAME BIRD PROPAGATION LICENSES, AND CAPTIVITY LICENSES, TO AUTHORIZE WILDLIFE DAMAGE CONTROL AGENT LICENSES, TO ESTABLISH ANTLERLESS DEER LICENSES, TO ESTABLISH HUNTING HERITAGE AND FISHING HERITAGE LICENSES, AND TO MAKE OTHER CHANGES TO THE FEES AND LICENSES OF THE WILDLIFE RESOURCES COMMISSION.

Referred to the **Finance Committee**.

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By Senators Swindell; Atwater and Malone:

S.B. 1294, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A FRAMEWORK FOR AN INNOVATIVE TEACHER COMPENSATION INITIATIVE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Swindell; and Malone:

S.B. 1295, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REVISE THE LOW-WEALTH SCHOOLS FUNDING FORMULA, AS NECESSARY, TO ENSURE THAT IT APPROPRIATELY TARGETS LOW-WEALTH SCHOOL SYSTEMS.

Referred to the **Education/Public Instruction Committee**.

By Senators Swindell; Malone and Stevens:

S.B. 1296, A BILL TO BE ENTITLED AN ACT TO ENHANCE ACCESSIBILITY TO SCHOLARSHIP LOAN FUNDS FOR TEACHERS, GUIDANCE COUNSELORS, AND COACHES BY CONSOLIDATING THE FUTURE TEACHERS OF NORTH CAROLINA SCHOLARSHIP LOAN FUND AND THE PHYSICAL EDUCATION – COACHING SCHOLARSHIP LOAN FUND WITH THE PROSPECTIVE TEACHERS SCHOLARSHIP LOAN FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Swindell; Atwater and Malone:

S.B. 1297, A BILL TO BE ENTITLED AN ACT TO ESTABLISH NEW LONGEVITY RATES FOR ALL PUBLIC SCHOOL AND STATE EMPLOYEES WITH TWENTY-FIVE OR MORE YEARS OF TOTAL STATE SERVICE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Swindell; Atwater and Malone:

S.B. 1298, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY ISSUES RELATED TO PROFESSIONAL DEVELOPMENT FOR TEACHERS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Swindell:

S.B. 1299, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMPLETE THE RENOVATION OF THE NASH COUNTY ARTS CENTER.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Swindell; Atwater and Stevens:

S.B. 1300, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AFFORDABILITY OF HIGHER EDUCATION BY INCREASING THE INCOME TAX DEDUCTION FOR COLLEGE SAVINGS PLANS AND

INCREASING THE MINIMUM AWARD OF CERTAIN NEED-BASED COLLEGE SCHOLARSHIPS.

Referred to the **Finance Committee**.

By Senator Soles:

S.B. 1301, A BILL TO BE ENTITLED AN ACT TO STUDY METHODS TO PROVIDE SIMULTANEOUS AND SUFFICIENT PRIMARY STATE HIGHWAY DEVELOPMENT WITH THE DEVELOPMENT OF THE NORTH CAROLINA INTERNATIONAL PORT.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Queen:

S.B. 1302, A BILL TO BE ENTITLED AN ACT TO DIVIDE SUPERIOR COURT, DISTRICT COURT, AND PROSECUTORIAL DISTRICTS 24 INTO DISTRICTS 24A AND 24B.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 1303, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ONE-DAY, ONE-DOLLAR HERITAGE TROUT WATERS LICENSES AS A MEANS OF PROMOTING HERITAGE TOURISM.

Referred to the **Finance Committee**.

By Senator Queen:

S.B. 1304, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A STUDY OF AN EXPANSION OF THE MOUNTAIN GATEWAY MUSEUM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 1305, A BILL TO BE ENTITLED AN ACT TO REDUCE THE PROPERTY TAX OF AGRICULTURAL LAND, HORTICULTURAL LAND, AND FORESTLAND WHERE A PERPETUAL EASEMENT CONTINUING THE PRESENT USE IS PLACED ON THE LAND.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 1306, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO PROVIDE COURT-FUNDED INTERPRETERS TO ACCOMMODATE NON-ENGLISH SPEAKING PERSONS.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 1307, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA LOW-EMISSION VEHICLES PROGRAM.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senator Clodfelter:

S.B. 1308, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE STATE AND LOCAL FISCAL MODERNIZATION STUDY COMMISSION BY REPEALING THE ESTATE AND GIFT TAXES AND EXPANDING THE SALES TAX BASE TO OFFSET THE LOSS IN REVENUE.

Referred to the **Finance Committee**.

By Senators Clodfelter, Goss, Queen, Snow, Boseman, Nesbitt; and Atwater:

S.B. 1309, A BILL TO BE ENTITLED AN ACT TO REFORM THE PROPERTY TAX LAWS OF NORTH CAROLINA.

Referred to the **Finance Committee**.

By Senators Forrester; Allran, Jacumin, Stevens and Tillman:

S.B. 1310, A BILL TO BE ENTITLED AN ACT AMENDING THE MARRIAGE LICENSE LAWS TO MAKE IT UNLAWFUL FOR A MAN AND WOMAN TO SOLEMNIZE A MARRIAGE WITHOUT FIRST OBTAINING A MARRIAGE LICENSE FROM THE APPROPRIATE LOCAL REGISTER OF DEEDS.

Referred to the **Judiciary I Committee**.

By Senator Jones:

S.B. 1311, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR MARKETING AND PROMOTION OF THE CAROLINA CROSSROADS MUSIC AND ENTERTAINMENT DISTRICT IN HALIFAX COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jones:

S.B. 1312, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR MARKETING, PROMOTION, AND DEVELOPMENT PROJECTS IN THE CITY OF ROANOKE RAPIDS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Cowell:

S.B. 1313, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO STUDY THE DESIRABILITY AND FEASIBILITY OF OTHER STATE AGENCIES USING THE DEPARTMENT OF TRANSPORTATION'S FUELING STATIONS ACROSS THE STATE IN AN EFFORT TO DISPLACE OR REDUCE THE AMOUNT OF PETROLEUM THAT STATE AGENCIES ARE USING FOR STATE-OWNED VEHICLE FLEETS AND TO ASSIST STATE AGENCIES IN ACHIEVING THEIR TWENTY PERCENT PETROLEUM REDUCTION OR DISPLACEMENT GOAL.

Referred to the **State & Local Government Committee**.

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By Senator Cowell:

S.B. 1314, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA MASSAGE AND BODYWORK THERAPY PRACTICE ACT TO EXPAND THE EXISTING LAWS REGULATING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO AUTHORIZE THE BOARD TO ESTABLISH FEES FOR LICENSING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE TO PRACTICE MASSAGE AND BODYWORK THERAPY; AND TO AMEND THE EXISTING LAWS REGARDING ADULT ENTERTAINMENT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Cowell:

S.B. 1315, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNITY ASSOCIATION MANAGERS LICENSURE ACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Berger of Franklin:

S.B. 1316, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF BUTNER, TO TRANSFER CERTAIN ASSETS PREVIOUSLY HELD BY THE STATE OF NORTH CAROLINA FOR THE TOWN OF BUTNER TO THE NEWLY INCORPORATED TOWN OF BUTNER, AND TO MAKE CONFORMING CHANGES TO PUBLIC LAWS AFFECTING THE BUTNER RESERVATION.

Referred to the **Finance Committee**.

By Senators Berger of Rockingham; Apodaca, Bingham, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Preston and Tillman:

S.B. 1317, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN INCOME TAX CREDIT FOR THE PROVISION OF QUALIFIED HEALTH INSURANCE FOR A DEPENDENT CHILD.

Referred to the **Finance Committee**.

By Senators Berger of Rockingham; Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Preston and Tillman:

S.B. 1318, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR AN INCOME TAX DEDUCTION FOR QUALIFIED HEALTH COVERAGE.

Referred to the **Finance Committee**.

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By Senators Berger of Rockingham; and Stevens:

S.B. 1319, A BILL TO BE ENTITLED AN ACT TO CREATE THE GOOD ROADS COMMISSION TO STUDY TRANSPORTATION FINANCING, FUNDING, PLANNING, AND MANAGEMENT ISSUES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Berger of Rockingham; Apodaca, Bingham, Blake, Brock, Brown, East, Forrester, Hunt, Pittenger, Preston, Stevens and Tillman:

S.B. 1320, A BILL TO BE ENTITLED AN ACT TO REPEAL THE TRANSFER OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Berger of Rockingham; and Stevens:

S.B. 1321, A BILL TO BE ENTITLED AN ACT TO CREATE A TEN CENT PER GALLON CAP ON THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUELS TAX, TO REPEAL THE SUNSET FOR THE CAP ON THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUELS EXCISE TAX RATE SET AT TWELVE AND FOUR-TENTHS CENTS PER GALLON, EFFECTIVE UNTIL JUNE 30, 2007, AND TO REPEAL THE TRANSFER OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND.

Referred to the **Finance Committee**.

By Senators Berger of Rockingham; Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Preston, Smith, Stevens and Tillman:

S.B. 1322, A BILL TO BE ENTITLED AN ACT TO ENACT THE TRUTH IN EDUCATION ACT.

Referred to the **Education/Public Instruction Committee**.

By Senators Berger of Rockingham; Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Preston and Tillman:

S.B. 1323, A BILL TO BE ENTITLED AN ACT TO REQUIRE NONRESIDENTS OPERATING MOTOR VEHICLES IN THIS STATE, WITH AN OUT-OF-COUNTRY LICENSE, TO PRODUCE DOCUMENTATION OF LEGAL PRESENCE IN THE UNITED STATES.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; Apodaca, Bingham, Blake, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin, Preston and Tillman:

S.B. 1324, A BILL TO BE ENTITLED AN ACT TO REQUIRE ADDITIONAL OVERSIGHT OF THE TAX CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY.

Referred to the **Finance Committee**.

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By Senators Berger of Rockingham; Apodaca, Bingham, Blake, Brock, East, Forrester, Goodall, Hunt, Jacumin and Tillman:

S.B. 1325, A BILL TO BE ENTITLED AN ACT TO REPEAL THE INCOME TAX CREDITS FOR QUALIFYING EXPENSES OF FILM PRODUCTION COMPANIES.

Referred to the **Finance Committee**.

By Senator Berger of Rockingham:

S.B. 1326, A BILL TO BE ENTITLED AN ACT TO PROVIDE CONSISTENCY IN WAIVER OF IMMUNITY BY LOCAL GOVERNMENT BY TREATING PARTICIPATION IN RISK POOLS AND TRUSTS FOR PAYMENT OF LIABILITY CLAIMS BY SCHOOL BOARDS LIKE PARTICIPATION IN OTHER GOVERNMENTAL RISK POOLS.

Referred to the **Judiciary I Committee**.

By Senator Berger of Rockingham:

S.B. 1327, A BILL TO BE ENTITLED AN ACT TO ADD AN EXCEPTION TO THE CIRCUMSTANCES UNDER WHICH A SURETY ON A BAIL BOND IS NOT REQUIRED TO RETURN THE PREMIUM ON THE BOND UNDER THE LAWS REGULATING BAIL BONDSMEN AND RUNNERS.

Referred to the **Judiciary I Committee**.

By Senators Garrou, Hagan, Dannelly and Dalton:

S.B. 1328, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NEW SALARY SCHEDULE FOR CERTIFIED PERSONNEL OF THE NORTH CAROLINA PUBLIC SCHOOLS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Weinstein; Apodaca, Berger of Rockingham, Blake, Dalton, East, Forrester, Goodall, Hoyle, Hunt, Jacumin, Preston, Purcell, Shaw and Smith:

S.B. 1329, A BILL TO BE ENTITLED AN ACT TO ENACT THE VEHICLE PROTECTION PRODUCT ACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Hoyle:

S.B. 1330, A BILL TO BE ENTITLED AN ACT TO EXTEND THE PROTECTION OF THE ANIMAL WELFARE ACT TO ANIMALS SOLD AT FLEA MARKETS.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Purcell; Albertson, Dannelly, Garrou and Malone:

S.B. 1331, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LAWS GOVERNING SANITATION OF BEDDING TO SLEEP PRODUCTS AND

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SECONDHAND FURNISHINGS AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO THOSE LAWS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Purcell; Dannelly and Malone:

S.B. 1332, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO RAISE THE CEILING ON CERTAIN FEES AND AMENDING AND UPDATING CERTAIN OTHER PROVISIONS UNDER THE LAWS REGULATING HEARING AID DEALERS AND FITTERS.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Purcell; Atwater, Dannelly and Malone:

S.B. 1333, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND FUND THE CHILD ABUSE AND NEGLECT SERVICES FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Kinnaird; Berger of Franklin, Bingham, Cowell and Graham:

S.B. 1334, A BILL TO BE ENTITLED AN ACT PROVIDING THAT STATE AND LOCAL EMPLOYEES BE GRANTED PAID LEAVE FOR ELECTION SERVICE ON ELECTION DAY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Kinnaird; Atwater, Berger of Franklin, Bingham, Cowell, Graham and Snow:

S.B. 1335, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE OFFICE OF STATE PERSONNEL CONDUCT A COMPENSATION AND CLASSIFICATION STUDY OF STATE CORRECTIONAL OFFICERS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Kinnaird; Atwater, Berger of Franklin, Bingham and Graham:

S.B. 1336, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES IF THE PERSON WAS SEVENTEEN TO TWENTY-ONE YEARS OF AGE AT THE TIME OF THE CONVICTION, TO ALLOW DISCLOSURE OF EXPUNGED INFORMATION TO LAW ENFORCEMENT AGENCIES AND FEDERALLY INSURED DEPOSITORY INSTITUTIONS FOR EMPLOYMENT PURPOSES ONLY AND TO REQUIRE THOSE AGENCIES AND INSTITUTIONS TO MAINTAIN THE CONFIDENTIALITY OF THE EXPUNGED INFORMATION, TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES, TO INCREASE THE FEES FOR EXPUNCTIONS, AND TO REQUIRE STATE AND NATIONAL CRIMINAL RECORD CHECKS WHEN EXPUNGING RECORDS.

Referred to the **Judiciary I Committee**.

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By Senators Purcell; Dannelly and Malone:

S.B. 1337, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA DENTAL HYGIENE ACT TO PROVIDE FOR CERTAIN ACTIVITIES TO BE PERFORMED BY LICENSED HYGIENISTS WITH LIMITED SUPERVISION.

Referred to the **Health Care Committee**.

By Senator Berger of Franklin:

S.B. 1338, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Jenkins; Hoyle, Kerr, Stevens and Weinstein:

S.B. 1339, A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF A PROPOSED RULE CONSIDERED FOR ADOPTION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCREASE CERTAIN FEES UNDER THE ECOSYSTEM ENHANCEMENT PROGRAM.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Jenkins; Brown and Swindell:

S.B. 1340, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SALE OF BLOCKS OF TEN TEN-DAY COASTAL RECREATIONAL FISHING LICENSES.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Jenkins; Jones, Kerr and Swindell:

S.B. 1341, 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**.

By Senators Jenkins; Atwater, Dannelly, Jones and Swindell:

S.B. 1342, 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**.

By Senator Shaw:

S.B. 1343, A BILL TO BE ENTITLED AN ACT DESIGNATING THE FIRST SATURDAY IN MARCH OF EACH YEAR AS SAYSO SATURDAY.

Referred to the **Rules and Operations of the Senate Committee**.

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By Senator Shaw:

S.B. 1344, A BILL TO BE ENTITLED AN ACT TO SET CERTAIN FINES FOR SPEEDING VIOLATIONS.

Referred to the **Finance Committee**.

By Senator Shaw:

S.B. 1345, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE OFFICE OF ENVIRONMENTAL JUSTICE WITHIN THE DEPARTMENT OF ADMINISTRATION.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Shaw:

S.B. 1346, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE DISPARITY IN AWARDING STATE CONTRACTS TO MINORITY BUSINESSES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Graham and Clodfelter:

S.B. 1347, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL BE APPOINTED BY THE GOVERNOR SUBJECT TO CONFIRMATION BY THE SENATE AND HOUSE OF REPRESENTATIVES.

Referred to the **Ways & Means Committee**.

By Senators Graham; Clodfelter and Dannelly:

S.B. 1348, A BILL TO BE ENTITLED AN ACT RELATING TO PROPERTY TAX VALUATION OF LOW AND MODERATE INCOME HOUSING.

Referred to the **Finance Committee**.

By Senators Graham; and Dannelly:

S.B. 1349, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

Referred to the **Ways & Means Committee**.

By Senators Hoyle; Albertson, Apodaca, Berger of Rockingham, Blake, Brock, Dalton, East, Jacumin, Malone, Preston, Rand, Smith, Soles, Stevens, Swindell and Weinstein:

S.B. 1350, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT FAIR COMPETITION BE PAID TO FRANCHISED MOTOR VEHICLE DEALERS TERMINATED AS A RESULT OF INDUSTRY REORGANIZATION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senators Hoyle; Albertson, Apodaca, Berger of Rockingham, Blake, Brock, Dalton, East, Jacumin, Malone, Preston, Rand, Smith, Soles, Stevens, Swindell and Weinstein:

S.B. 1351, A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE FRANCHISE LAWS AS THEY RELATE TO AUTOMOBILE DEALER WARRANTY OBLIGATIONS, CIVIL ACTIONS FOR VIOLATIONS, COERCION, AND INSTALLMENT SALES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Hoyle:

S.B. 1352, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ENFORCEMENT OF TOLLS AT TOLL FACILITIES OPERATED BY THE NORTH CAROLINA TURNPIKE AUTHORITY.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 1353, A BILL TO BE ENTITLED AN ACT PROVIDING FOR A REVIEW OF THE APPLICATION OF THE STATE PERSONNEL ACT TO EMPLOYEES OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Education/Higher Education Committee**.

By Senators Nesbitt; and Atwater:

S.B. 1354, A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA NATIONAL GUARD TO OPERATE POST EXCHANGES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Nesbitt:

S.B. 1355, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO ESTABLISH A WESTERN NORTH CAROLINA MUSEUM OF HISTORY IN BUNCOMBE COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Tillman; Apodaca, Brunstetter, Foriest, Goss, Graham, Hunt, Jacumin, Jenkins, Snow and Stevens:

S.B. 1356, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A TEACHER HOUSING PILOT PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Graham; Clodfelter and Dannelly:

S.B. 1357, A BILL TO BE ENTITLED AN ACT TO CREATE A UNIFORM MOTOR VEHICLE CHOP SHOP LAW REGARDING THE

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RECEIVING, POSSESSION, AND DISTRIBUTION OF STOLEN OR ALTERED MOTOR VEHICLES AND MOTOR VEHICLE PARTS.

Referred to the **Judiciary I Committee**.

By Senators Graham; Albertson, Atwater, Berger of Franklin, Clodfelter, Cowell, Dannelly, Foriest, Jenkins, Jones, Malone, Pittenger, Shaw, Snow, Swindell, Tillman and Weinstein:

S.B. 1358, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA STREET GANG PREVENTION ACT.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Allran; and Goodall:

S.B. 1359, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN EXCEPTION TO G.S. 20-158 RELATING TO MOTORCYCLES AND TRAFFIC-CONTROL SIGNALS ACTIVATED BY VEHICLE DETECTION DEVICES.

Referred to the **Judiciary II Committee**.

By Senators Allran; Blake, Forrester, Goodall, Jacumin and Shaw:

S.B. 1360, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE REGULATION OF INTERBASIN TRANSFERS AND TO DIRECT THE DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY WHETHER THERE IS A NEED FOR AN INTERSTATE COMPACT TO MEDIATE ANY FUTURE INTERSTATE WATER SUPPLY ISSUES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Clodfelter; and Albertson:

S.B. 1361, 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 STATE WATER INFRASTRUCTURE COMMISSION.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Clodfelter; and Albertson:

S.B. 1362, A BILL TO BE ENTITLED AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY AN INDEPENDENT CONTRACTOR RETAINED BY THE ENVIRONMENT MANAGEMENT COMMISSION AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senators Clodfelter; Albertson and Rand:

S.B. 1363, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNOR MAY SUSPEND A DISTRICT ATTORNEY IN CERTAIN CIRCUMSTANCES WHEN A FORMAL COMPLAINT ALLEGING MISCONDUCT OF THE DISTRICT ATTORNEY IS FILED WITH THE NORTH CAROLINA STATE BAR.

Referred to the **Select Committee on Government and Election Reform**.

By Senator Hagan:

S.B. 1364, A BILL TO BE ENTITLED AN ACT TO REQUIRE SECONDARY PURCHASERS OF MOTOR VEHICLES FOR SCRAP METAL OR SALVAGE PARTS TO MAINTAIN RECORDS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Hagan:

S.B. 1365, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FUNDS IN THE WILDLIFE CONSERVATION ACCOUNT SHALL REMAIN AVAILABLE UNTIL EXPENDED.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hagan:

S.B. 1366, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN LARGE SCALE DATACENTER PURCHASES OF MACHINERY AND EQUIPMENT SUBJECT TO THE PRIVILEGE TAX AND EXEMPT FROM SALES AND USE TAX.

Referred to the **Finance Committee**.

By Senator Shaw:

S.B. 1367, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXCISE TAX ON ALCOHOLIC BEVERAGES TO PREVENT UNDERAGE PEOPLE FROM PURCHASING ALCOHOLIC BEVERAGES.

Referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Shaw:

S.B. 1368, A BILL TO BE ENTITLED AN ACT TO PROVIDE COMPENSATION TO THE PERSONS STERILIZED THROUGH THE STATE'S EUGENIC STERILIZATION PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Malone; Albertson, Atwater, Cowell, Hoyle, Jenkins, Purcell, Stevens and Swindell:

S.B. 1369, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SALARY OF NATIONALLY CERTIFIED SCHOOL PSYCHOLOGISTS.

Referred to the **Appropriations/Base Budget Committee**.

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By Senators Malone; Albertson, Hoyle, Jenkins, Purcell, Stevens and Swindell:

S.B. 1370, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NEW SALARY SCHEDULE FOR NONCERTIFIED PERSONNEL OF THE NORTH CAROLINA PUBLIC SCHOOLS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Malone; Albertson, Hoyle, Jenkins, Purcell, Stevens and Swindell:

S.B. 1371, A BILL TO BE ENTITLED AN ACT REGARDING THE PLACEMENT OF ASSISTANT PRINCIPALS ON THE SCHOOL-BASED ADMINISTRATOR SALARY SCHEDULE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Malone; Atwater, Hoyle, Jenkins and Stevens:

S.B. 1372, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE REGIONAL TRAUMA CENTERS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Malone; Albertson, Atwater, Cowell, Hoyle, Jenkins, Purcell and Stevens:

S.B. 1373, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO CHILDREN WITH VISION, A NONPROFIT ORGANIZATION, TO PROVIDE FREE TUTORIAL SERVICES TO SCHOOL CHILDREN IN WAKE COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Malone; Albertson, Atwater, Cowell, Garrou, Hoyle, Jenkins, Purcell and Stevens:

S.B. 1374, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR A PILOT PROGRAM TO ENHANCE RECRUITMENT OF MINORITY STUDENTS INTO PHARMACY SCHOOLS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Malone; Cowell and Stevens:

S.B. 1375, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE GARNER ROAD YMCA IN WAKE COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jenkins:

S.B. 1376, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TYPES OF CONTRACTS THE DIVISION OF MOTOR VEHICLES MAY ENTER INTO FOR THE PURPOSES OF ISSUING LICENSE PLATES THROUGH PRIVATE OR LOCAL GOVERNMENT ENTITIES.

Referred to the **State & Local Government Committee**.

By Senators Jenkins; and Swindell:

S.B. 1377, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF TRANSPORTATION FOR A FACILITY TO PAINT AND REFURBISH FERRIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jenkins; and Swindell:

S.B. 1378, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE OCRACOKE FOUNDATION, INC., A NONPROFIT CORPORATION, FOR THE LAST COMMERCIAL FISHING FACILITY IN OCRACOKE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jenkins; and Kerr:

S.B. 1379, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS TO SUPPORT ADDITIONAL SHIP TIME ABOARD THE RESEARCH VESSEL CAPE HATTERAS FOR UNIVERSITY OF NORTH CAROLINA SCIENTISTS PURSUING RESEARCH AND EDUCATIONAL NEEDS AND TO RENOVATE THE DOCK.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jenkins; Albertson, Hoyle, Kerr and Swindell:

S.B. 1380, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ISSUE PROCLAMATIONS UNDER SPECIFIC CIRCUMSTANCES NECESSARY TO PROTECT WILDLIFE RESOURCES FROM SERIOUS AND UNFORESEEN OVER-HARVEST OR DISEASE AND TO PROTECT GAMELANDS FROM UNCONTROLLED USE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Jenkins; Jones and Swindell:

S.B. 1381, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA STATE UNIVERSITY TO ASSESS THE CURRENT STATUS OF RIVER HERRING POPULATIONS IN NORTH CAROLINA COASTAL RIVERS AND IDENTIFY FURTHER RESEARCH NEEDS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jenkins; Hoyle and Jones:

S.B. 1382, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION PER DIEMS AND MILEAGE RATES EQUIVALENT TO OTHER REGIONAL COMMISSIONS.

Referred to the **Appropriations/Base Budget Committee**.

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By Senators Jenkins; Cowell and Hoyle:

S.B. 1383, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD BE DETRIMENTAL TO THE CYCLIST, OTHER INDIVIDUALS, OR THE ENVIRONMENT.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Jones:

S.B. 1384, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN EXCEPTION TO THE DEVELOPMENT TIER DESIGNATION FORMULA FOR CERTAIN SMALL COUNTIES WITH HIGH POVERTY RATES.

Referred to the **Finance Committee**.

By Senator Shaw:

S.B. 1385, A BILL TO BE ENTITLED AN ACT TO PROMOTE ENVIRONMENTAL JUSTICE BY REQUIRING APPLICANTS, AS PART OF THE PERMITTING PROCESS FOR NEW SOLID WASTE LANDFILLS AND EXPANSIONS OF EXISTING SOLID WASTE LANDFILLS, TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT AND TO CONDUCT A SEPARATE REVIEW OF COMMUNITY IMPACTS THAT RELIES IN PART ON A DEMOGRAPHIC STUDY BY THE APPLICANT FOR THE AREA LOCATED WITHIN FIVE MILES OF ANY BOUNDARY OF THE SITE OF THE PROPOSED LANDFILL.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Hunt; Allran, Apodaca, Brock, Brown, East, Forrester, Goodall, Pittenger and Tillman:

S.B. 1386, A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO PROVIDE VOUCHERS TO STUDENTS NOT PERMITTED TO ATTEND NEIGHBORHOOD SCHOOLS AND TO ESTABLISH A MERIT PAY SYSTEM FOR TEACHERS AND INSTRUCTIONAL SUPPORT PERSONNEL.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 1387, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO BRING A VISITING ARTISTS PROGRAM TO COMMUNITY COLLEGES IN LOW-WEALTH COUNTIES.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Brown:

S.B. 1388, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FOR HIRE BLANKET CRFL LICENSE FEES FOR COMMERCIAL FISHING VESSELS.

Referred to the **Finance Committee**.

By Senator Brown:

S.B. 1389, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MARINE FISHERIES COMMISSION MEMBERSHIP TO INCLUDE REPRESENTATIVES OF THE INDUSTRY THAT PROVIDES CHARTER BOATS OR HEAD BOATS AS FOR HIRE BOATS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Brown:

S.J.R. 1390, A JOINT RESOLUTION HONORING THE LIFE AND CAREER OF MILDRED THOMAS, FORMER REGISTER OF DEEDS OF ONSLOW COUNTY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Brown; Apodaca, Berger of Rockingham, Forrester, Goodall, Malone, Preston and Smith:

S.B. 1391, A BILL TO BE ENTITLED AN ACT TO MODIFY THE SALES PRICE LIMITATION ON SCHOOL SUPPLIES DURING THE SALES TAX HOLIDAY.

Referred to the **Finance Committee**.

By Senators Brown; Apodaca, Berger of Rockingham, Forrester, Goodall, Malone, Preston and Smith:

S.B. 1392, A BILL TO BE ENTITLED AN ACT TO CREATE A SALES TAX EXEMPTION FOR PURCHASES OF SCHOOL INSTRUCTIONAL MATERIAL BY STUDENTS AT POSTSECONDARY EDUCATIONAL INSTITUTIONS.

Referred to the **Finance Committee**.

By Senator Goss:

S.B. 1393, A BILL TO BE ENTITLED AN ACT TO RAISE BEER TAXES TO REDUCE AND PREVENT UNDERAGE DRINKING.

Referred to the **Finance Committee**.

By Senator Rand:

S.B. 1394, A BILL TO BE ENTITLED AN ACT CONCERNING ASSIGNMENTS OF CLAIMS AGAINST THE STATE FOR PAYMENT OF EMPLOYEE ASSOCIATION DUES.

Referred to the **State & Local Government Committee**.

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By Senators East; and Blake:

S.B. 1395, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF TRANSPORTATION FOR SHORT-LINE RAILROAD MATCHING GRANTS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators East and Berger of Franklin:

S.B. 1396, A BILL TO BE ENTITLED AN ACT RELATING TO THE "JUST CAUSE" TERMINATION OF DEPUTY SHERIFFS, AFFORDING ADMINISTRATIVE AND JUDICIAL REVIEW OF DISCIPLINARY ACTIONS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators East; Berger of Rockingham, Blake, Goss and Tillman:

S.B. 1397, A BILL TO BE ENTITLED AN ACT REQUIRING A REFERENDUM AND FAVORABLE VOTE OF THE QUALIFIED VOTERS BEFORE THE SALE OF A COUNTY LANDFILL.

Referred to the **State & Local Government Committee**.

By Senator Dannelly:

S.B. 1398, A BILL TO BE ENTITLED AN ACT AMENDING THE SERVICE CHARGE FOR PREPAID WIRELESS SERVICE AND ALLOWING RETAIL VENDORS OF PREPAID WIRELESS SERVICE TO COLLECT THE SERVICE CHARGES AND REMIT THE AMOUNTS TO THE WIRELESS 911 BOARD.

Referred to the **Finance Committee**.

By Senator Dannelly:

S.B. 1399, A BILL TO BE ENTITLED AN ACT TO MAKE USING A MOBILE PHONE UNLAWFUL WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY.

Referred to the **Judiciary II Committee**.

By Senator Dannelly:

S.B. 1400, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO STUDY THE ADEQUACY OF THE SERVICE CHARGE FOR PREPAID WIRELESS SERVICE AND THE MANNER IN WHICH THE SERVICE CHARGE IS COLLECTED AND REMITTED TO THE WIRELESS 911 BOARD.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Dannelly; Atwater and Jones:

S.B. 1401, 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 Senator Bingham:

S.B. 1402, A BILL TO BE ENTITLED AN ACT REGARDING CONSTRUCTION AND SAFETY STANDARDS OF MANUFACTURED HOMES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Preston:

S.B. 1403, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A PUBLIC SAFETY TRAINING FACILITY AT CARTERET COMMUNITY COLLEGE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Preston; Albertson, Apodaca, Bingham, Forrester and Hagan:

S.B. 1404, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CORE SOUND WATERFOWL MUSEUM AND HERITAGE CENTER ON HARKERS ISLAND, NORTH CAROLINA.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hartsell; and Atwater:

S.B. 1405, A BILL TO BE ENTITLED AN ACT CREATING THE INNOVATIONS IN EDUCATION LEGISLATIVE STUDY COMMISSION TO STUDY THE FEASIBILITY OF OFFERING FINANCIAL INCENTIVES TO STUDENTS FOR QUALITY ACADEMIC PERFORMANCE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1406, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE "NO ADULT LEFT BEHIND" INITIATIVE TO EXPAND ECONOMIC OPPORTUNITIES FOR WORKING ADULTS AND ACHIEVE STATEWIDE WORKFORCE DEVELOPMENT GOALS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Hartsell:

S.B. 1407, A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS FROM UNLAWFUL SALE OF ADMISSION TICKETS IN EXCESS OF THE PRINTED PRICE.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 1408, A BILL TO BE ENTITLED AN ACT TO CLARIFY DISCIPLINARY AUTHORITY OF THE NORTH CAROLINA APPRAISAL BOARD UNDER THE NORTH CAROLINA APPRAISERS ACT.

Referred to the **Judiciary II Committee**.

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By Senators Hartsell and Dorsett:

S.B. 1409, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SPECIAL SEPARATION ALLOWANCE FOR CAREER FIREFIGHTERS AND CAREER RESCUE SQUAD WORKERS.

Referred to the **Pensions & Retirement and Aging Committee**.

By Senator Hartsell:

S.B. 1410, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE PEDORTHIST LICENSURE ACT.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 1411, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PAYMENT OF CIGARETTE TAXES BY STAMP, TO LIMIT THE RECEIPT AND SALE OF NON-TAX-PAID CIGARETTES, AND TO LIMIT RETAIL SALES.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 1412, A BILL TO BE ENTITLED AN ACT TO ELIMINATE A PROVISION DEALING WITH REVISIONS TO THE BASE VALUATION IN DEVELOPMENT FINANCING DISTRICTS AND TO REVISE URBAN PROGRESS ZONES.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 1413, A BILL TO BE ENTITLED AN ACT TO ENACT THE EDUCATION RECOVERY ACT OF 2007.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Weinstein; and Jacumin:

S.B. 1414, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA STATE UNIVERSITY FOR THE ENGINEERING SCHOOL.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Weinstein:

S.B. 1415, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO DEVELOP AND EXPAND THE SEAFOOD AND MARINE INDUSTRIES IN THE STATE.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Weinstein:

S.B. 1416, A BILL TO BE ENTITLED AN ACT TO ENACT THE VEHICLE PROTECTION PRODUCT ACT.

Referred to the **Commerce, Small Business and Entrepreneurship**

Committee, upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Goodall; Apodaca and Berger of Rockingham:

S.B. 1417, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO CLARIFY THE PROHIBITION AGAINST RETROSPECTIVE INCOME TAXATION.

Referred to the **Ways & Means Committee**.

By Senators Goodall; Apodaca, Boseman, Hartsell and Hoyle:

S.B. 1418, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STANDARD DEDUCTION FOR LOWER-INCOME INDIVIDUAL INCOME TAXPAYERS.

Referred to the **Finance Committee**.

By Senators Queen and Snow:

S.B. 1419, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO PROVIDE AT LEAST ONE TEACHER PER GRADE LEVEL FOR CERTAIN SMALL, GEOGRAPHICALLY ISOLATED SCHOOLS.

Referred to the **Education/Public Instruction Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 1420, A BILL TO BE ENTITLED AN ACT TO INCREASE HOMEOWNERSHIP IN NORTH CAROLINA BY DEVELOPING A PUBLIC EDUCATION CAMPAIGN REGARDING HOMEOWNERSHIP PROGRAMS AND THE BENEFITS OF HOMEOWNERSHIP, TO PROVIDE BETTER HOME BUYER PREPARATION AND CONSUMER CREDIT COUNSELING, TO CREATE REGIONAL COALITIONS TO IDENTIFY AND REDUCE BARRIERS TO HOMEOWNERSHIP, AND TO APPROPRIATE FUNDS TO ESTABLISH THOSE PROGRAMS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Queen, Clodfelter; Allran, Dannelly, Goss, Jacumin, Rand and Shaw:

S.B. 1421, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN APPLICANT FOR A CERTIFICATE FOR A TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN HAS THE BURDEN OF PROOF TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION SHOULD GRANT THE CERTIFICATE, TO PROVIDE THAT THE WATER RIGHTS OF THE RECEIVING RIVER BASIN ARE SUBORDINATE TO THOSE OF THE SOURCE RIVER BASIN, AND TO PROVIDE THAT A CERTIFICATE FOR A TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER

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RIVER BASIN INCLUDES CONDITIONS THAT PROTECT THE WATER SUPPLY OF THE SOURCE RIVER BASIN.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Queen; Atwater, Berger of Franklin, Cowell, Dalton, Nesbitt, Shaw and Snow:

S.B. 1422, 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 Queen:

S.B. 1423, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PURCHASE A SITE AND CONSTRUCT A REPLICA OF THE HISTORIC DAVIDSON'S FORT NEAR THE RUTHERFORD TRACE HISTORIC PARK.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 1424, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PROHIBITING DOG FIGHTING AND BAITING TO ALLOW EARTHDOG TRIALS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Queen:

S.B. 1425, 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 Queen:

S.B. 1426, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF "NONPROFITS WITH WHICH ASSOCIATED" FOR CONFLICTS OF INTEREST FOR LEGISLATORS AND PUBLIC SERVANTS AND THE PROHIBITION ON THE DISCLOSURE OF CONFIDENTIAL INFORMATION BY LEGISLATORS.

Referred to the **Select Committee on Government and Election Reform**.

By Senators Queen, Snow, Goss; and Nesbitt:

S.B. 1427, 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**.

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By Senator Atwater:

S.B. 1428, A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE LAWS RELATED TO INVOLUNTARY COMMITMENTS IN ORDER TO GIVE LOCAL MANAGEMENT ENTITIES MORE CONTROL OVER STATE PSYCHIATRIC HOSPITAL UTILIZATION.

Referred to the **Health Care Committee**.

By Senator Atwater:

S.B. 1429, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PAY THE INTEREST ON THE RETIREMENT SYSTEMS FUNDS WITHHELD DUE TO THE ECONOMIC EMERGENCY THAT THE STATE FACED IN THE SPRING OF 2001.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Atwater:

S.B. 1430, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL OFFENSES OF INJURING REAL PROPERTY AND INJURING PERSONAL PROPERTY.

Referred to the **Judiciary II Committee**.

By Senator Atwater:

S.B. 1431, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF DEEP RIVER STATE TRAIL TO THE STATE PARKS SYSTEM.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Atwater; and Stevens:

S.B. 1432, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR A MEANINGFUL CHALLENGE TO AN ADMINISTRATIVE SUBPOENA.

Referred to the **Judiciary II Committee**.

By Senators Atwater; Clodfelter, Dalton and Graham:

S.B. 1433, A BILL TO BE ENTITLED AN ACT PERTAINING TO COST-OF-LIVING ADJUSTMENTS FOR GROUP HOMES FOR MENTALLY RETARDED INDIVIDUALS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Atwater; Cowell, Garrou and Graham:

S.B. 1434, A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE COVERAGE FOR MENTAL ILLNESS AND CHEMICAL DEPENDENCY.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senator Atwater:

S.B. 1435, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF FUNERAL SERVICE, MUTUAL BURIAL ASSOCIATIONS, PRENEED FUNERAL FUNDS, AND CREMATIONS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Snow; and Kinnaird:

S.B. 1436, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION REGARDING APPOINTMENT OF MAGISTRATES AND AUTHORIZE THE USE OF EMERGENCY MAGISTRATES, AS RECOMMENDED BY THE STATE JUDICIAL COUNCIL.

Referred to the **Ways & Means Committee**.

By Senators Snow; and Atwater:

S.B. 1437, A BILL TO BE ENTITLED AN ACT TO ENSURE VOLUNTEER FIRE DEPARTMENTS ARE FULLY EXEMPT FROM THE HIGHWAY USE TAX IF THEY ARE EXEMPT FROM STATE INCOME TAX, EMPLOY NO MORE THAN TWO PAID EMPLOYEES, AND ARE NOT PART OF A LOCAL GOVERNMENT.

Referred to the **Finance Committee**.

By Senator Snow:

S.B. 1438, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS TO THE 4-H CAMPS AND CONFERENCE CENTERS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Snow; and Allran:

S.B. 1439, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE GRASSROOTS SCIENCE MUSEUMS COLLABORATIVE ADMINISTERED BY THE MUSEUM OF NATURAL SCIENCES TO IMPROVE SCIENCE, ENVIRONMENT, AND TECHNOLOGY EDUCATION.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Snow; and Kinnaird:

S.B. 1440, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE ACCESS TO JUSTICE BY INCREASING THE HOURLY RATE FOR ATTORNEYS APPOINTED TO REPRESENT INDIGENT PERSONS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Snow; Allran, Apodaca, Berger of Franklin, Brown, East, Jones, Kerr, Preston, Queen and Tillman:

S.B. 1441, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE

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ADDITIONAL FUNDS FOR SMALL SCHOOL SYSTEM SUPPLEMENTAL FUNDING.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Snow, Queen, Goss, Boseman, Clodfelter and Nesbitt:

S.B. 1442, A BILL TO BE ENTITLED AN ACT TO CREATE A CIRCUIT BREAKER PROPERTY TAX BENEFIT.

Referred to the **Finance Committee**.

By Senators Snow, Queen, Nesbitt; and Apodaca:

S.B. 1443, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STUDY THE FEASIBILITY OF ESTABLISHING A SCHOOL OF MEDICINE IN BUNCOMBE COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Snow, Berger of Franklin; Apodaca, Berger of Rockingham, Bingham, Blake, Boseman, Cowell, Dalton, East, Foriest, Goss, Hartsell, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Queen, Stevens and Tillman:

S.B. 1444, A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETIRE WITH UNREDUCED BENEFITS AFTER COMPLETING TWENTY-FIVE YEARS OF SERVICE AND TO AMEND THE SPECIAL SEPARATION ALLOWANCE BENEFIT FOR LAW ENFORCEMENT OFFICERS.

Referred to the **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Snow and Kinnaird:

S.B. 1445, A BILL TO BE ENTITLED AN ACT TO DEFINE DELINQUENT JUVENILE AS A JUVENILE WHO IS BETWEEN SIX YEARS OF AGE AND EIGHTEEN YEARS OF AGE AND WHO COMMITS A CRIME OR INFRACTION AND TO ESTABLISH THE TASK FORCE FOR JUVENILE JUSTICE ADMINISTRATION.

Referred to the **Judiciary I Committee**.

By Senator Snow:

S.B. 1446, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO ENSURE THAT STUDENTS IN GRADES NINE THROUGH TWELVE RECEIVE ANNUAL HEALTH INSTRUCTION INCLUDING INFORMATION ABOUT THE MANNER IN WHICH A PARENT MAY LAWFULLY ABANDON A NEWBORN BABY WITH A RESPONSIBLE PERSON.

Referred to the **Education/Public Instruction Committee**.

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By Senators Snow; and Atwater:

S.B. 1447, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF DOMESTIC CRIMINAL TRESPASS BY MAKING IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER TO TRESPASS ON PROPERTY THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSONS COVERED BY THE PROTECTIVE ORDER ARE PRESENT ON THE PREMISES AND TO PROVIDE THAT IT IS AN AGGRAVATING CIRCUMSTANCE FOR FIRST DEGREE MURDER IF A DEFENDANT WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER MURDERS A PERSON COVERED BY THE PROTECTIVE ORDER ON THE PREMISES OF A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE.

Referred to the **Judiciary I Committee**.

By Senators Snow, Queen; and Atwater:

S.B. 1448, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FARMLAND PRESERVATION.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Snow; and Allran:

S.B. 1449, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT GLASS VIALS THAT ARE A CERTAIN LENGTH AND DIAMETER THAT MAY BE USED AS DRUG PARAPHERNALIA AND CIGARETTE WRAPPING PAPERS SHALL BE SOLD FROM BEHIND THE COUNTER AND TO REQUIRE THAT A PURCHASER PROVIDE CERTAIN IDENTIFYING INFORMATION WHEN PURCHASING THESE PRODUCTS.

Referred to the **Judiciary II Committee**.

By Senators Snow and Queen:

S.B. 1450, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONDUCT ENVIRONMENTAL ASSESSMENTS OF THE CONSTRUCTION OF A WHITE-WATER TRAINING AND ACTIVITIES CENTER ON THE NANTAHALA RIVER.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Snow; Allran and Atwater:

S.B. 1451, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BIODIESEL INCENTIVE FUND.

Referred to the **Commerce, Small Business and Entrepreneurship Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Snow; and Allran:

S.B. 1452, A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC SCHOOL BUSES OR OTHER VEHICLES FOR STUDENT

TRANSPORTATION THAT ARE CAPABLE OF OPERATING ON DIESEL FUEL TO BE CAPABLE OF OPERATING ON DIESEL FUEL WITH A MINIMUM BIODIESEL CONCENTRATION OF B-20.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Jenkins; Albertson, Boseman, Soles, Swindell and Weinstein:

S.B. 1453, A BILL TO BE ENTITLED AN ACT TO PREVENT THE USE OF OYSTER SHELLS IN HIGHWAY BEAUTIFICATION PROJECTS BY THE DEPARTMENT OF TRANSPORTATION OR ANY OTHER GOVERNMENTAL UNIT.

Referred to the **Transportation Committee**.

By Senators Jenkins and Kerr:

S.B. 1454, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR EAST CAROLINA UNIVERSITY FOR THE PLANNING OF A SHARED ACADEMIC BUILDING.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jenkins, Kerr; Jones and Swindell:

S.B. 1455, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REIMBURSE ECU'S BRODY SCHOOL OF MEDICINE FOR THE PROVISION OF VITAL HEALTH CARE SERVICES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jenkins:

S.B. 1456, A BILL TO BE ENTITLED AN ACT TO ALLOW TANDEM VEHICLE COMBINATIONS TO OPERATE ON ALL HIGHWAYS WITHIN THE STATE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Jenkins:

S.B. 1457, A BILL TO BE ENTITLED AN ACT TO REQUIRE BONDS FOR CONTRACTS ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMISSION CONTRACTORS WHO OPERATE LICENSE PLATE AGENCIES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Jenkins; Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, East, Forrester, Goodall, Goss, Hartsell, Hoyle, Hunt, Jones, Kerr, Nesbitt, Preston, Rand, Smith, Snow, Stevens, Tillman and Weinstein:

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S.B. 1458, A BILL TO BE ENTITLED AN ACT TO DISSOLVE AND REPEAL THE CHARTER OF GOLDEN LEAF, INC., AND TO DIRECT UNENCUMBERED ASSETS AND FUNDS OF GOLDEN LEAF, INC., TO THE TOBACCO DEPENDENT COMMUNITY TRUST FUND.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jenkins; and Kerr:

S.B. 1459, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO SUPPORT A SUMMER THEATER PROGRAM AT EAST CAROLINA UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hartsell; and Jones:

S.B. 1460, A BILL TO BE ENTITLED AN ACT TO AMEND THE RULE OF EVIDENCE REGARDING ADMISSIBILITY OF A VICTIM'S PAST BEHAVIOR IN A TRIAL FOR RAPE OR OTHER SEX OFFENSE.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 1461, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COURT MAY CONSIDER A DEFENDANT'S PRIOR FAILURES TO COMPLY WITH CONDITIONS OF RELEASE WHEN PLACED ON SUPERVISED PROBATION, PAROLE, OR POST-RELEASE SUPERVISION AS AN AGGRAVATING FACTOR.

Referred to the **Judiciary II Committee**.

By Senator Dorsett:

S.B. 1462, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL GOVERNANCE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Swindell; and Malone:

S.B. 1463, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO (1) STUDY THE NEED TO MAKE VARIOUS CHANGES TO THE ABCS OF PUBLIC EDUCATION PROGRAM AND (2) DEVELOP A PROPOSAL FOR A NEW STATE TESTING AND ACCOUNTABILITY PLAN.

Referred to the **Education/Public Instruction Committee**.

By Senators Swindell; and Brown:

S.B. 1464, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE MANAGEMENT OF WILDLIFE RESOURCES BY AUTHORIZING THE WILDLIFE RESOURCES COMMISSION TO RESPOND TO DISEASE THREATS; ALLOWING THE TAKING OF

COYOTE AT NIGHT WITH THE USE OF ARTIFICIAL LIGHTS AND THE TRACKING AND DISPATCH OF WOUNDED DEER AFTER LEGAL HUNTING HOURS; ALLOWING THE TAKING OF BEAVER WITH BOW AND ARROW; TRANSFERRING THE DEER MANAGEMENT ASSISTANCE PROGRAM TO THE WILDLIFE RESOURCES COMMISSION; PROVIDING FOR THE SAFETY OF BOW HUNTERS DURING FIREARMS SEASON; AND PROHIBITING THE FEEDING OF ALLIGATORS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Albertson; Allran, Apodaca, Atwater, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Graham, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Stevens, Swindell, Tillman and Weinstein:

S.B. 1465, A BILL TO BE ENTITLED AN ACT TO CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998 AND TO ASSIST FARMERS TO VOLUNTARILY CONVERT TO INNOVATIVE ANIMAL WASTE MANAGEMENT SYSTEMS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Albertson; Atwater, Clodfelter, Graham, Jenkins, Kerr, Kinnaird, Malone, Purcell and Snow:

S.B. 1466, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA DEPARTMENT OF LABOR, MAKE CHANGES TO ARTICLE 19 OF CHAPTER 95 OF THE GENERAL STATUTES, AND DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 1467, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTIES FOR VIOLATIONS OF LAWS TO PROTECT AIR QUALITY.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Albertson; Atwater, Hunt and Kinnaird:

S.B. 1468, A BILL TO BE ENTITLED AN ACT TO PROMOTE INNOVATIVE STORMWATER MANAGEMENT AND WATER QUALITY PROTECTION EFFORTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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By Senator Albertson:

S.B. 1469, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ELECTED MEMBERS OF THE COUNCIL OF STATE ARE THE GOVERNOR, LIEUTENANT GOVERNOR, AUDITOR, TREASURER, AND ATTORNEY GENERAL.

Referred to the **Ways & Means Committee**.

By Senator Albertson:

S.B. 1470, A BILL TO BE ENTITLED AN ACT TO MAKE NECESSARY STATUTORY CHANGES TO IMPLEMENT A PROPOSED CONSTITUTIONAL AMENDMENT TO PROVIDE THAT THE ELECTED MEMBERS OF THE COUNCIL OF STATE ARE THE GOVERNOR, LIEUTENANT GOVERNOR, AUDITOR, TREASURER, AND ATTORNEY GENERAL.

Referred to the **Select Committee on Government and Election Reform**.

By Senators Albertson; Hoyle and Kinnaird:

S.B. 1471, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR SALARY ADJUSTMENTS FOR STATE DIVISION OF WATER QUALITY EMPLOYEES.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Albertson; Allran, Kerr and Kinnaird:

S.B. 1472, A BILL TO BE ENTITLED AN ACT TO AMEND THE DISTRIBUTION OF THE PROCEEDS OF THE SCRAP TIRE DISPOSAL TAX TO INCREASE FUNDS ALLOCATED TO COUNTIES FOR THE DISPOSAL OF SCRAP TIRES, TO INCREASE FUNDS ALLOCATED TO THE SOLID WASTE MANAGEMENT TRUST FUND, AND TO DECREASE FUNDS ALLOCATED TO THE SCRAP TIRE DISPOSAL ACCOUNT.

Referred to the **Finance Committee**.

By Senators Brown, Preston; Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Brock, East, Forrester, Garrou, Goodall, Graham, Hartsell, Jacumin, Jenkins, Malone, Rand, Smith, Snow, Swindell and Tillman:

S.B. 1473, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CAREER TECHNOLOGY PILOT PROGRAM TO PREPARE STUDENTS FOR THE TWENTY-FIRST CENTURY WORKFORCE AND TO FOSTER ECONOMIC DEVELOPMENT.

Referred to the **Education/Public Instruction Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou:

S.B. 1474, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF

NORTH CAROLINA FOR THE MILLENNIUM TEACHING SCHOLARSHIP LOAN PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou:

S.B. 1475, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ASSIST WITH THE PLANNING COSTS FOR THE CONVERSION AND RENOVATION OF HILL HALL AT WINSTON-SALEM STATE UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Berger of Franklin:

S.B. 1476, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADDITIONAL DEPUTY CLERK POSITION FOR GRANVILLE COUNTY TO HANDLE THE ADDITIONAL CASELOAD RESULTING FROM THE OPENING OF CENTRAL REGIONAL HOSPITAL IN BUTNER AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ASSIGN A COMPETENCY HEARING COORDINATOR TO CENTRAL REGIONAL HOSPITAL IN BUTNER.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jones:

S.B. 1477, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS THAT INHERENTLY DANGEROUS ANIMALS POSE AND TO PROTECT THE WELFARE OF INHERENTLY DANGEROUS ANIMALS.

Referred to the **Judiciary II Committee**.

By Senator Jones:

S.B. 1478, A BILL TO BE ENTITLED AN ACT TO LIMIT MANUFACTURER, BOTTLER, AND WHOLESALER REBATES AND COUPONS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Dalton; and Atwater:

S.B. 1479, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEEDS SCHOOLS.

Referred to the **Education/Public Instruction Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 1480, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION AND THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION TO PROVIDE FOR

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MEDICAL RELEASE OF NO-RISK INMATES WHO ARE EITHER PERMANENTLY AND TOTALLY DISABLED, TERMINALLY ILL, OR GERIATRIC.

Referred to the **Judiciary I Committee**.

By Senator Rand:

S.B. 1481, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT RANDOM AUDITS OF CAMPAIGN REPORTS; TO PROVIDE FOR CIVIL PENALTIES FOR WILLFUL CONCEALMENT THROUGH LATE FILING; AND TO MAKE A TECHNICAL CORRECTION TO THE CRIMINAL PENALTY FOR KNOWINGLY SIGNING A FALSE CAMPAIGN REPORT.

Referred to the **Select Committee on Government and Election Reform**.

By Senator Clodfelter:

S.B. 1482, A BILL TO BE ENTITLED AN ACT TO ALLOW SUBDIVISION STREETS THAT ARE CONSTRUCTED WITHIN THE EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY AND THAT ARE OFFERED FOR PUBLIC DEDICATION TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS OF THE MUNICIPALITY RATHER THAN THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 8:55 P.M.

THIRTY-SIXTH DAY

Senate Chamber
Tuesday, March 27, 2007

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, last night Senator Swindell and Senator Kinnaird reminded us with both pride and exuberance about the success of their respective basketball teams, Barton College and the UNC-Chapel Hill Women's Basketball Team. But I wonder if our State's true 'March Madness' hero will ultimately be recognized in the person of Coach Kay Yow of N.C. State. The lessons we have learned

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from her about faith in you and a conquering spirit transcends the game of basketball and will inspire us for the rest of our days. So from the floor of the Senate we pray in gratitude for you, Coach Yow. Amen."

The Chair grants a leave of absence for today to Senator Malone.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, March 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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. 217, AN ACT AUTHORIZING THE TOWNS OF CORNELIUS AND DAVIDSON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE. (Became law upon ratification, March 26, 2007 - S.L. 2007-3.)

S.B. 74, AN ACT TO ADD VARIOUS MUNICIPALITIES TO THE AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS. (Became law upon ratification, March 26, 2007 - S.L. 2007-4.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 926, A BILL TO BE ENTITLED AN ACT TO STUDY DECONSTRUCTION OF INACTIVE DAMS LOCATED IN NORTH CAROLINA, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 616 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF RIVER BEND TO ANNEX AND EXERCISE

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EXTRATERRITORIAL JURISDICTION AS PROVIDED UNDER GENERAL LAW, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 211, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING ELECTRONIC SIGNATURES BY CLARIFYING THAT PUBLIC AGENCIES MAY USE, AS WELL AS ACCEPT, ELECTRONIC SIGNATURES.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

ADDITIONAL SPONSORS

Senator Apodaca requests to be added as a sponsor of previously introduced legislation:

S.B. 967, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A MARKET RESEARCH FIRM TO CONDUCT A STUDY OF THE ECONOMIC OPPORTUNITIES OF EXPANDING AND DEVELOPING ORGANIC AGRICULTURE PRODUCTION, MARKETING, AND SUPPORTING BUSINESS ENTERPRISES IN NORTH CAROLINA.

S.B. 1478, A BILL TO BE ENTITLED AN ACT TO LIMIT MANUFACTURER, BOTTLER, AND WHOLESALER REBATES AND COUPONS.

Senator Berger of Franklin requests to be added as a sponsor of previously introduced legislation:

S.B. 974, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMMUNITY INSTITUTIONS TO ASSIST SMALL FARMERS AND RURAL LANDOWNERS, SUPPORT ECONOMIC DEVELOPMENT ACTIVITIES IN MINORITY NEIGHBORHOODS AND COMMUNITIES, ASSIST MINORITY AND WOMEN-OWNED BUSINESSES, AND PROVIDE ACCESS TO AFFORDABLE FINANCE SERVICES AND ASSET BUILDING OPPORTUNITIES STATEWIDE.

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Senator Hoyle requests to be added as a sponsor of previously introduced legislation:

S.B. 1366, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN LARGE SCALE DATACENTER PURCHASES OF MACHINERY AND EQUIPMENT SUBJECT TO THE PRIVILEGE TAX AND EXEMPT FROM SALES AND USE TAX.

S.B. 1478, A BILL TO BE ENTITLED AN ACT TO LIMIT MANUFACTURER, BOTTLER, AND WHOLESALER REBATES AND COUPONS.

Senator Smith requests to be added as a sponsor of previously introduced legislation:

S.B. 1253, A BILL TO BE ENTITLED AN ACT TO RESTRICT VOTER REGISTRATION FORMS AND BALLOTS TO THE ENGLISH LANGUAGE EXCEPT AS REQUIRED BY FEDERAL LAW; AND TO LIMIT THE ROLE OF POLITICAL PARTIES IN CAMPAIGN FUND-RAISING.

S.B. 1317, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN INCOME TAX CREDIT FOR THE PROVISION OF QUALIFIED HEALTH INSURANCE FOR A DEPENDENT CHILD.

S.B. 1318, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR AN INCOME TAX DEDUCTION FOR QUALIFIED HEALTH COVERAGE.

S.B. 1320, A BILL TO BE ENTITLED AN ACT TO REPEAL THE TRANSFER OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND.

S.B. 1321, A BILL TO BE ENTITLED AN ACT TO CREATE A TEN CENT PER GALLON CAP ON THE VARIABLE WHOLESale COMPONENT OF THE MOTOR FUELS TAX, TO REPEAL THE SUNSET FOR THE CAP ON THE VARIABLE WHOLESale COMPONENT OF THE MOTOR FUELS EXCISE TAX RATE SET AT TWELVE AND FOUR-TENTHS CENTS PER GALLON, EFFECTIVE UNTIL JUNE 30, 2007, AND TO REPEAL THE TRANSFER OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND.

S.B. 1358, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA STREET GANG PREVENTION ACT.

REMOVAL OF BILL CO-SPONSOR

Senator Pittenger requests that he be removed as a sponsor of previously introduced legislation:

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S.B. 597, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW JUVENILE DETENTION CENTER IN MECKLENBURG COUNTY.

Upon motion of Senator Basnight, seconded by Senator Kerr, the Senate adjourns subject to introduction of bills and receipt of messages from the House of Representatives, to meet Wednesday, March 28, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Queen:

S.J.R. 1483, A JOINT RESOLUTION OBSERVING THE ONE HUNDREDTH ANNIVERSARY OF THE HISTORIC MITCHELL COUNTY COURTHOUSE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 1484, A BILL TO BE ENTITLED AN ACT TO SHIFT THE ENTIRE NONFEDERAL SHARE OF MEDICAID TO THE STATE AND TO MAKE CORRESPONDING CHANGES TO STATE AND LOCAL REVENUE STREAMS.

Referred to the **Finance Committee**.

By Senator Rand:

S.B. 1485, A BILL TO BE ENTITLED AN ACT AMENDING EDUCATION REQUIREMENTS FOR REAL ESTATE APPRAISERS UNDER THE NORTH CAROLINA APPRAISERS ACT, ELIMINATING THE CATEGORY OF LICENSED RESIDENTIAL REAL ESTATE APPRAISER, AND AUTHORIZING THE NORTH CAROLINA APPRAISAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Swindell:

S.B. 1487, A BILL TO BE ENTITLED AN ACT TO INCREASE THE LEGISLATIVE TUITION GRANTS FOR NORTH CAROLINA RESIDENTS ENROLLED IN QUALIFIED, NONPROFIT, PRIVATE COLLEGES OR UNIVERSITIES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Preston:

S.B. 1488, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE FOR HIRE BOAT INDUSTRY.

Referred to the **Rules and Operations of the Senate Committee**.

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By Senator Preston:

S.J.R. 1489, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF MOREHEAD CITY BY COMMEMORATING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE SHEPARD'S POINT LAND PURCHASE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 1490, 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 I Committee**.

By Senator Hartsell:

S.B. 1491, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR SECOND DEGREE ARSON AND TO AMEND THE PENALTY FOR CERTAIN OFFENSES OF LARCENY, EMBEZZLEMENT, AND OBTAINING PROPERTY BY FALSE PRETENSES BY AMENDING THE VALUE RANGES TO WHICH THE CRIMINAL PENALTIES APPLY.

Referred to the **Judiciary II Committee**.

By Senators Clodfelter and Albertson:

S.B. 1492, A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) SPECIFY TECHNICAL REQUIREMENTS FOR SOLID WASTE CONTAINERS; (3) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE; (4) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (5) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (6) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL RESPONSIBILITY SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (7) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (8) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR

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INDIRECT FINANCIAL OR EQUITY INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT AN ENVIRONMENTAL IMPACT STUDY AND TRAFFIC STUDY; (11) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (12) AUTHORIZE CERTAIN UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (13) PROVIDE FOR STATE-LEVEL REVIEW OF PROPOSED MULTI-JURISDICTIONAL SOLID WASTE MANAGEMENT FACILITIES; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL FEE TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF ORPHAN LANDFILLS AND OTHER CONTAMINATED SITES; AND (16) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Clodfelter and Albertson:

S.B. 1493, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STATE WATER INFRASTRUCTURE COMMISSION.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Weinstein:

S.B. 1494, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A PROFESSORSHIP DEDICATED TO SHELLFISH RESEARCH, TO ESTABLISH A SHELLFISH OMBUDSMAN, TO ESTABLISH A SHELLFISH RESOURCE GRANT PROGRAM, AND TO ESTABLISH THE ALBEMARLE SOUND RIVER HERRING MANAGEMENT PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Graham; Clodfelter, Dannelly and Goodall:

S.B. 1495, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL WRECKERS, AS DEFINED IN CHAPTER 20 OF THE GENERAL STATUTES, TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES AND HAVE ASSIGNED A SPECIAL IDENTIFICATION NUMBER THAT SHALL BE DISPLAYED ON BOTH THE DRIVER AND PASSENGER DOORS.

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Referred to the **Commerce, Small Business and Entrepreneurship Committee.**

By Senators Berger of Rockingham; Apodaca, Bingham, Forrester, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Smith, Stevens and Tillman:

S.B. 1496, A BILL TO BE ENTITLED AN ACT TO MAKE THE LEGISLATIVE ETHICS COMMITTEE SUBJECT TO THE OPEN MEETINGS LAW, TO PROHIBIT LOBBYISTS FROM SOLICITING CAMPAIGN CONTRIBUTIONS, AND TO MAKE ETHICS COMPLAINTS AND INVESTIGATION HEARINGS OPEN TO THE PUBLIC.

Referred to the **Select Committee on Government and Election Reform.**

By Senator Berger of Rockingham:

S.B. 1497, A BILL TO BE ENTITLED AN ACT TO EXEMPT FIRE SUPPRESSION EQUIPMENT FROM THE REQUIREMENTS OF THE SAFETY AND EMISSIONS INSPECTION REQUIREMENTS OF CHAPTER 20 OF THE GENERAL STATUTES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee.**

By Senator Atwater:

S.B. 1498, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY THE ACCESSIBILITY OF ITS FACILITIES TO SEVERELY PHYSICALLY DISABLED INDIVIDUALS SEEKING BASIC ACCESS TO HIGHER EDUCATION WITHIN THE STATE UNIVERSITY SYSTEM.

Referred to the **Rules and Operations of the Senate Committee.**

By Senator Atwater:

S.B. 1499, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A COMPETITIVE GRANT PROGRAM FOR LOCAL COMMUNITIES TO DEVELOP PROPOSALS FOR EFFECTIVE PRISONER REENTRY AND TRANSITION BACK INTO THE COMMUNITY, TO APPROPRIATE FUNDS TO INCREASE ACCESS TO SUBSTANCE ABUSE SERVICES IN THE STATE PRISON SYSTEM, AND TO DIRECT THE DEPARTMENT OF CORRECTION TO STUDY METHODS FOR INCREASING INMATES' ACCESS TO EDUCATIONAL AND VOCATIONAL TRAINING AND INCREASING PARTICIPATION IN WORK RELEASE PROGRAMS.

Referred to the **Appropriations/Base Budget Committee.**

By Senator Atwater:

S.B. 1500, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ALLOCATION OF THE PROCEEDS FROM ANY DISPOSITION OF THE DOROTHEA DIX HOSPITAL PROPERTY.

Referred to the **Appropriations/Base Budget Committee.**

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By Senator Atwater:

S.B. 1501, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE HISTORIC ENDOR IRON FURNACE IN LEE COUNTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Atwater:

S.B. 1502, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA MUSEUM OF LIFE AND SCIENCE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Kinnaird; Bingham, Hagan, Nesbitt and Weinstein:

S.B. 1503, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE CIVIL ACTIONS OF ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION.

Referred to the **Judiciary I Committee**.

By Senator Kinnaird:

S.B. 1504, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE SENTENCE THAT MAY BE IMPOSED ON CERTAIN PERSONS CONVICTED OF A DRUG TRAFFICKING OFFENSE AND TO PROVIDE FOR THE EARLY RELEASE OF CERTAIN INMATES.

Referred to the **Judiciary I Committee**.

By Senator Boseman:

S.B. 1505, A BILL TO BE ENTITLED AN ACT TO ADOPT A NEW INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN.

Referred to the **Judiciary I Committee**.

By Senator Boseman:

S.B. 1506, A BILL TO BE ENTITLED AN ACT AMENDING THE LAW TO PERMIT THE PLACEMENT OF A MEMORIAL HONORING HUGH MACRAE MORTON ON STATE PROPERTY ASSOCIATED WITH THE BATTLESHIP NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Boseman:

S.B. 1507, A BILL TO BE ENTITLED AN ACT REQUIRING CITIES AND COUNTIES TO HAVE PROBABLE CAUSE BEFORE INSPECTING RESIDENTIAL AND NONRESIDENTIAL STRUCTURES AND REQUIRING OWNERS AND LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY IMMEDIATELY REPAIRING CERTAIN UNSAFE CONDITIONS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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ADDITIONAL SPONSORS

Senator Swindell requests to be added as a sponsor of previously introduced legislation:

S.B. 1484, A BILL TO BE ENTITLED AN ACT TO SHIFT THE ENTIRE NONFEDERAL SHARE OF MEDICAID TO THE STATE AND TO MAKE CORRESPONDING CHANGES TO STATE AND LOCAL REVENUE STREAMS.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 15, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO ALLOW STUDENTS PLACED ON SHORT-TERM SUSPENSIONS TO TAKE THEIR TEXTBOOKS HOME FOR THE DURATION OF THE SHORT-TERM SUSPENSION AND TO HAVE ACCESS TO HOMEWORK ASSIGNMENTS.

Referred to the **Education/Public Instruction Committee**.

H.B. 89 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN.

Referred to the **State & Local Government Committee**.

H.B. 410, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A MORE EVEN BALANCE IN THE ELECTION CYCLE FOR THE CLEVELAND COUNTY BOARD OF EDUCATION.

Referred to the **State & Local Government Committee**.

H.B. 464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW JONES COUNTY AND CASWELL COUNTY TO REQUIRE THE REGISTER OF DEEDS NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR HAS CERTIFIED THAT NO TAXES WITH WHICH THE COLLECTOR IS CHARGED ARE A LIEN ON THE PROPERTY.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:01 P.M.

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THIRTY-SEVENTH DAY

Senate Chamber
Wednesday, March 28, 2007

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, so many voices call, so many paths beckon, so many decisions call for our best judgment. Give us clear minds, pure motives and strength of will so that we may discern what is best and carry through. Each day finds us at the junction of many roads, O God, and we are judged as much by the roads we have not taken as the ones we have. Guide us, we pray, for your sake. Amen."

The Chair grants leaves of absence for today to Senator Boseman, Senator Malone and Senator Preston.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, March 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Kathleen Seibel from Grimesland, North Carolina, who is serving the Senate as Doctor of the Day, and to Della Wortham from Wilmington, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 194, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS. (Res. 18)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

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S.B. 236, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROFESSIONAL HOUSEMOVING STATUTES CONTAINED IN ARTICLE 16 OF CHAPTER 20 OF THE GENERAL STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75375, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 882, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INDUSTRIAL COMMISSION TO EMPLOY SWORN LAW ENFORCEMENT OFFICERS TO PERFORM FRAUD INVESTIGATIONS, with a favorable report.

H.B. 42 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CRIMINAL PROCEDURE LAWS AFFECTING DOMESTIC VIOLENCE VICTIMS AND TO REQUIRE DOMESTIC VIOLENCE HOMICIDE REPORTING AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, with a favorable report.

H.B. 46 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETERMINE WHETHER SECURITY GUIDELINES ARE NEEDED FOR DOMESTIC VIOLENCE SHELTERS OPERATED BY STATE-FUNDED AGENCIES AND TO PROVIDE, WHERE FEASIBLE, SECURE AREAS FOR DOMESTIC VIOLENCE VICTIMS TO AWAIT HEARING OF THEIR COURT CASE AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, with a favorable report.

S.B. 125, A BILL TO BE ENTITLED AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL ANY INSTRUMENT THAT CAN BE USED TO ATOMIZE OR INTRODUCE A TOXIC VAPOR INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65231, which changes the title to read **S.B. 125** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY NAMED AS A TOXIC VAPOR AND TO MAKE

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ILLEGAL AN INSTRUMENT THAT CAN BE USED TO VAPORIZE OR INTRODUCE ETHYL ALCOHOL INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION, is adopted and engrossed.

By Senator Graham for the **State & Local Government Committee**:

S.B. 394, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF NEW BERN TO REQUIRE A PERMIT PRIOR TO DEMOLITION OF A CONTRIBUTING STRUCTURE WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT, with a favorable report.

S.B. 363, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TAKING OF RACCOONS BY TRAPPING IN ASHE 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 55407, is adopted and engrossed.

S.B. 364, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TRAPPING AND SALE OF FOXES IN ASHE 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 55408, is adopted and engrossed.

S.B. 381, A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF CHADBOURN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55406, is adopted and engrossed.

WITHDRAWAL FROM CALENDAR

S.B. 125 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL AN INSTRUMENT THAT CAN BE USED TO VAPORIZE OR INTRODUCE ETHYL ALCOHOL INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION, placed earlier on the Calendar for Thursday, March 29.

Upon motion of Senator Rand the bill is withdrawn from the Calendar for Thursday, March 29, and re-referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns in memory of Susan Malone, wife of Senator Vernon Malone, subject to introduction of bills and receipt of messages from the House of Representatives to meet Thursday, March 29, at 11:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Preston; Apodaca, Berger of Rockingham, Brock, Brown, Brunstetter, East, Forrester and Goodall:

S.B. 1508, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CONVICTED OF THE CRIMINAL OFFENSE OF CRIME AGAINST NATURE COMMITTED AGAINST A VICTIM WHO IS A MINOR MUST REGISTER AS A SEX OFFENDER AND TO PROVIDE THAT THE COURT SHALL NOT APPROVE ANY PLEA BARGAIN THAT ALLOWS A DEFENDANT WHO COMMITTED AN OFFENSE AGAINST A MINOR VICTIM THAT REQUIRES REGISTRATION AS A SEX OFFENDER TO PLEAD TO A CRIME THAT DOES NOT REQUIRE REGISTRATION OR THAT REQUIRES A SHORTER PERIOD OF REGISTRATION IF THE VICTIM OF THE CRIME IS A MINOR.

Referred to the **Judiciary I Committee**.

By Senators Preston; Apodaca, Berger of Rockingham, Brock, Brown, Brunstetter, East, Forrester and Jones:

S.B. 1509, A BILL TO BE ENTITLED AN ACT TO PROTECT MINORS FROM SEXUAL PREDATORS BY PROHIBITING REGISTERED SEX OFFENDERS FROM LIVING WITH MINORS.

Referred to the **Judiciary I Committee**.

By Senators Preston; Apodaca, Berger of Rockingham, Brock, Brown, Brunstetter, East, Forrester and Goodall:

S.B. 1510, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISABLED VETERANS FROM BEING CHARGED FOR ACCESS TO, OR FOR THE USE OF PUBLIC SERVICE FACILITIES OR CONVENIENCES WITHIN, STATE FORESTS, STATE PARKS, STATE LAKES, AND OTHER AREAS UNDER THE CHARGE OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

Referred to the **Finance Committee**.

By Senator Preston:

S.B. 1511, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR TEST COORDINATORS IN KINDERGARTEN THROUGH EIGHTH GRADE.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Dalton:

S.B. 1512, 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; TO CREATE THE NORTH CAROLINA HEALTH INSURANCE RISK POOL TO HELP MEET THE HEALTH INSURANCE COVERAGE NEEDS OF INDIVIDUALS WHO CANNOT OBTAIN AFFORDABLE HEALTH INSURANCE BECAUSE OF HIGH-RISK HEALTH CONDITIONS; AND TO APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF THIS ACT.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Jenkins:

S.B. 1513, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO PARTICIPATE IN FINANCING IMPROVEMENTS TO PUBLIC STREETS, HIGHWAYS, AND BRIDGES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senators Swindell, Jenkins; and Jones:

S.B. 1514, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EDGECOMBE/NASH CENTER FOR FAMILY GROWTH AND DEVELOPMENT.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

S.B. 1515, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA FOLKLIFE INSTITUTE, A NONPROFIT CORPORATION.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Atwater (By Request):

S.B. 1516, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO LEVY A LOCAL LAND TRANSFER TAX.

Referred to the **Finance Committee**.

By Senators Atwater; Albertson, Berger of Franklin, Bingham, Boseman, Dorsett, East, Foriest, Goodall, Graham, Hagan, Hartsell, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Queen, Rand, Shaw, Snow, Swindell and Tillman:

S.B. 1517, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ISSUERS OF GIFT CARDS FROM CHARGING MAINTENANCE FEES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senators Atwater; Dannelly, Jones and Malone:

S.B. 1518, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE JEANNE LUCAS SCHOLARSHIP FUND AT NORTH CAROLINA CENTRAL UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Atwater:

S.B. 1519, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO COVER THE PLANNING COSTS FOR THE CONSTRUCTION OF A NEW INPATIENT TOWER AND OPERATING ROOM AT UNC HOSPITALS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Atwater; and Malone:

S.B. 1520, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DRAINAGE AND LANDSCAPE IMPROVEMENTS AT NORTH CAROLINA CENTRAL UNIVERSITY.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Atwater:

S.B. 1521, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE UNIVERSITY OF NORTH CAROLINA FOR UNC HOSPITALS TO ASSIST WITH THE COST OF PROVIDING MEDICAL CARE TO MEMBERS OF THE INDIGENT POPULATION.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Albertson; Allran, Apodaca, Atwater, Bingham, Boseman, Brown, Clodfelter, Cowell, Dalton, Dorsett, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kinnaird, Preston, Purcell, Queen, Rand, Snow, Stevens, Swindell and Weinstein:

S.B. 1522, 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. 1523, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PRESERVATION OF THE CSS NEUSE, A CIVIL WAR-ERA IRONCLAD GUNBOAT.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Hagan:

S.B. 1524, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STRENGTHEN TOURISM IN NORTH CAROLINA BY INCREASING FUNDS FOR THEATER PRODUCTIONS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hagan; Apodaca, Berger of Rockingham, Brown, Garrou, Hartsell, Hoyle, Jones, Rand and Snow:

S.B. 1525, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMPREHENSIVE AND CONVENIENT INFORMATION TECHNOLOGY COMPUTING, DISPLAY, AND PRINTING DEVICE RECOVERY PROGRAM BASED ON INDIVIDUAL MANUFACTURER RESPONSIBILITY AND THE SHARED RESPONSIBILITY OF CONSUMERS, RETAILERS, AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Kerr:

S.B. 1526, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION OF A GREENE COUNTY JUSTICE CENTER.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter:

S.B. 1527, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS RELATING TO LICENSING OF INSURANCE PRODUCERS AND BAIL BONDSMEN; TO MAKE CHANGES IN THE FEE STRUCTURES FOR AGENTS AND ADJUSTERS; TO AUTHORIZE THE OUTSOURCING OF CERTAIN FUNCTIONS RELATING TO THE ADMINISTRATION OF CONTINUING EDUCATION AND ADMINISTRATIVE PROGRAMS; TO AMEND THE LAW OF RETURN PREMIUMS UNDER PREMIUM FINANCE ARRANGEMENTS; AND TO MAKE OTHER SUBSTANTIVE CHANGES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 1528, A BILL TO BE ENTITLED AN ACT TO REFLECT THE INDEPENDENCE OF THE JUDICIAL DEPARTMENT IN STATE BUDGET OPERATIONS, TO AUTHORIZE THE JUDICIAL DEPARTMENT TO CONDUCT POSITION MANAGEMENT TO ALLOW FOR THE MOST EFFECTIVE AND EFFICIENT OVERALL OPERATION OF THE COURTS, AND TO ENSURE THE FISCAL INTEGRITY AND ACCOUNTABILITY OF THE JUDICIAL BRANCH OF GOVERNMENT.

Referred to the **Appropriations/Base Budget Committee**.

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By Senator Clodfelter:

S.B. 1529, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE LOCAL GOVERNMENT RECOMMENDATIONS OF THE STATE AND LOCAL FISCAL MODERNIZATION STUDY COMMISSION AND TO MAKE OTHER CHANGES THAT PROMOTE FISCAL MODERNIZATION.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 1530, A BILL TO BE ENTITLED AN ACT TO REGULATE THE PRACTICE OF REAL ESTATE RESALE DEALERS IN THE STATE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

By Senator Rand:

S.B. 1531, A BILL TO BE ENTITLED AN ACT TO APPOINT JERRY BLACKMON TO THE STATE ETHICS COMMISSION UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Bingham, Tillman; Blake, Goodall, Hunt and Smith:

S.B. 1532, A BILL TO BE ENTITLED AN ACT TO DELAY IMPLEMENTATION OF THE NEW HIGH SCHOOL CORE CURRICULUM UNTIL ITS INTENDED EFFECT AND UNINTENDED CONSEQUENCES ARE STUDIED THOROUGHLY.

Referred to the **Education/Public Instruction Committee**.

By Senator Tillman:

S.B. 1533, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A HEALTH SCIENCES BUILDING ON THE CAMPUS OF MONTGOMERY COMMUNITY COLLEGE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Albertson, Dorsett; Atwater, Berger of Franklin, Bingham, Boseman, Clodfelter, Cowell, Dannelly, Garrou, Graham, Hagan, Hoyle, Jenkins, Jones, Kinnaird, Malone, Nesbitt, Purcell and Weinstein:

S.B. 1534, A BILL TO BE ENTITLED AN ACT AMENDING THE NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS OF THE STATE PERSONNEL ACT TO COVER SEXUAL ORIENTATION AND CLARIFYING THE PERSONNEL POLICIES OF THE GENERAL ASSEMBLY.

Referred to the **Judiciary I Committee**.

By Senator Graham:

S.B. 1535, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR THE GENERAL

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ASSEMBLY, TO LIMIT THE SPEAKER AND PRESIDENT PRO TEMPORE TO FOUR TWO-YEAR TERMS IN THAT OFFICE, TO PROVIDE AN ORGANIZATIONAL SESSION OF THE GENERAL ASSEMBLY IN DECEMBER, TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS, AND TO ESTABLISH A STUDY ON LEGISLATIVE COMPENSATION.

Referred to the **Ways & Means Committee**.

By Senators Garrou and Graham:

S.B. 1536, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO DEVELOP THE MOTORSPORTS CONSORTIUM IN THE COMMUNITY COLLEGES SYSTEM OFFICE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Smith; Apodaca, Berger of Rockingham, Bingham, Blake, Brown, Brunstetter, East, Forrester, Goodall, Jacumin, Preston and Stevens:

S.B. 1537, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HUNTING AND FISHING LICENSES FOR THE DISABLED SHALL BE ISSUED AT NO CHARGE.

Referred to the **Finance Committee**.

By Senators Preston; Apodaca, Bingham, Brown and Stevens:

S.B. 1538, A BILL TO BE ENTITLED AN ACT TO APPLY STATEWIDE BOARDS OF COUNTY COMMISSIONERS AUTHORITY OVER COMMISSIONS, BOARDS, AND AGENCIES.

Referred to the **State & Local Government Committee**.

By Senators Dalton and Snow:

S.B. 1539, A BILL TO BE ENTITLED AN ACT TO EXPAND THE ECONOMIC INFRASTRUCTURE FUND TO STIMULATE JOB-CREATING VENTURES AND TO EXPAND SMALL BUSINESS OPPORTUNITIES AND TO PROVIDE ECONOMIC TRANSITION IN DISTRESSED RURAL AREAS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Berger of Franklin; and Goodall:

S.B. 1540, A BILL TO BE ENTITLED AN ACT DESIGNATING HEROES DAY IN THE STATE OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Malone:

S.B. 1541, A BILL TO BE ENTITLED AN ACT REGARDING THE DISPOSITION OF THE DOROTHEA DIX HOSPITAL PROPERTY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Shaw:

S.B. 1542, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY

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COMMISSION TO REVIEW AND EVALUATE THE CURRENT STRUCTURED SENTENCING SYSTEM FOR THE PURPOSE OF ELIMINATING MANDATORY MINIMUM SENTENCES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Shaw:

S.B. 1543, A BILL TO BE ENTITLED AN ACT PROVIDING FOR CONTRACTS BETWEEN PUBLIC EMPLOYERS AND LABOR ORGANIZATIONS REPRESENTING PUBLIC EMPLOYEES FOR THE PURPOSE OF COLLECTIVE BARGAINING AND ESTABLISHING THE PUBLIC EMPLOYEE LABOR RELATIONS COMMISSION TO ENSURE FAIR DEALINGS BETWEEN PUBLIC EMPLOYERS AND LABOR ORGANIZATIONS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Preston:

S.B. 1544, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO STUDY ISSUES RELATED TO THE REGULATION OF COMMERCIAL FERRY OPERATIONS BY THE UTILITIES COMMISSION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Hoyle:

S.B. 1545, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM INCOME TAX CERTAIN GAINS FROM INVESTMENTS IN TECHNOLOGY BUSINESSES AND OTHER QUALIFIED SMALL BUSINESSES.

Referred to the **Finance Committee**.

By Senators Hoyle and Dalton:

S.B. 1546, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS.

Referred to the **Judiciary I Committee**.

By Senator Hoyle:

S.B. 1547, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE STATE AND LOCAL FISCAL MODERNIZATION STUDY COMMISSION TO LOWER INDIVIDUAL INCOME TAX RATES BY USING ADJUSTED GROSS INCOME RATHER THAN FEDERAL TAXABLE INCOME AS THE STARTING POINT FOR CALCULATING STATE INCOME TAX LIABILITY.

Referred to the **Finance Committee**.

By Senator Hoyle:

S.B. 1548, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO ISSUE BONDS

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SECURED IN WHOLE OR IN PART BY APPROPRIATIONS TO THE AUTHORITY FROM THE STATE OF NORTH CAROLINA.

Referred to the **Finance Committee**.

By Senator Goss:

S.B. 1549, A BILL TO BE ENTITLED AN ACT TO DIRECT TWENTY-FOUR MILLION DOLLARS FROM THE MAINTENANCE FUND IN THE HIGHWAY FUND TO BE USED TO ADDRESS HIGHWAY SAFETY CONCERNS ON U.S. HIGHWAY 221 IN ASHE COUNTY AND TO REQUIRE THAT CONSTRUCTION ON SEGMENT C OF THE HIGHWAY BE THE FIRST SEGMENT CONSTRUCTED.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hunt; Blake, Brock, East and Tillman:

S.B. 1550, A BILL TO BE ENTITLED AN ACT TO CREATE A MINIMUM MANDATORY PENALTY FOR PARENTS OR INDIVIDUALS THAT HAVE LEGAL OR PHYSICAL CUSTODY OF A PERSON WHO IS UNDER THE AGE OF TWENTY-ONE WHO GIVE OR ALLOW POSSESSION, PURCHASE, OR CONSUMPTION OF ALCOHOLIC BEVERAGES TO THE PERSON WHO IS UNDER TWENTY-ONE YEARS OLD AND IN THEIR CARE.

Referred to the **Judiciary I Committee**.

By Senator Cowell:

S.B. 1551, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTIES FOR VIOLATIONS OF LAWS TO PROTECT AIR QUALITY.

Referred to the **Judiciary I Committee**.

By Senator Cowell:

S.B. 1552, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DEVELOPMENT OF AN ENTERPRISE APPROACH TO THE STATE'S ABILITY TO EFFICIENTLY RETRIEVE AND SHARE DATA AND INFORMATION IN STATE GOVERNMENT; ENABLE STATE LEADERS, POLICYMAKERS, LOCAL GOVERNMENTS, AND THE PUBLIC TO ACCESS TIMELY, COMPLETE, AND ACCURATE INFORMATION ON GOVERNMENTAL AND PROGRAMMATIC OPERATIONS; AND ENHANCE THE ABILITY TO BETTER IDENTIFY AND UNDERSTAND ISSUES AND TO MAKE THE BEST DECISIONS FOR NORTH CAROLINA.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Cowell; and Snow:

S.B. 1553, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA PRODUCER RESPONSIBILITY PROGRAM FOR THE RECYCLING OF DISCARDED COMPUTER EQUIPMENT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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By Senator Cowell:

S.B. 1554, A BILL TO BE ENTITLED AN ACT (1) TO PROVIDE ADDITIONAL FUNDS FOR THE CLEANUP OF RELEASES AND DISCHARGES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS BY INCREASING THE FEES PAID BY OWNERS AND OPERATORS OF COMMERCIAL UNDERGROUND STORAGE TANKS, (2) TO REDUCE THE INCIDENCE OF LEAKS BY REQUIRING SECONDARY CONTAINMENT FOR ALL COMPONENTS OF REGULATED PETROLEUM UNDERGROUND STORAGE TANK SYSTEMS, (3) 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, (4) TO PROVIDE FOR VARIOUS STUDIES AND REPORTS, AND (5) TO MAKE OTHER IMPROVEMENTS TO THE UNDERGROUND STORAGE TANK CLEANUP PROGRAM.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Graham:

S.B. 1555, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GIRL TALK FOUNDATION TO ASSIST IN PREVENTING GIRLS FROM ENTERING GANGS AND TO PREVENT TEENAGE PREGNANCY.

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. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO PROVIDE HOMEBOUND INSTRUCTION FOR DISCIPLINE PURPOSES WHEN IT IS THE LEAST RESTRICTIVE ALTERNATIVE FOR STUDENTS WITH DISABILITIES AND TO REQUIRE A REGULAR EVALUATION OF THE APPROPRIATENESS OF THE HOMEBOUND INSTRUCTION.

Referred to the **Education/Public Instruction Committee**.

H.B. 141, A BILL TO BE ENTITLED AN ACT TO DESIGNATE NOVEMBER OF EACH YEAR AS DIABETES AWARENESS MONTH.

Referred to the **Rules and Operations of the Senate Committee**.

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H.B. 162 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REPEALING THE EXPIRATION OF AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND ALLOWING USE FOR ELECTRIC FACILITIES.

Referred to the **Finance Committee**.

H.B. 177 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGE BOARDS TO SECURE LOANS UNDER THE ENERGY IMPROVEMENT LOAN PROGRAM.

Referred to the **Finance Committee**.

H.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT LAW ENFORCEMENT OFFICERS OF COUNTIES SHALL INCLUDE OFFICERS OF CONSOLIDATED COUNTY-CITY LAW ENFORCEMENT AGENCIES.

Referred to the **Judiciary I Committee**.

H.B. 502 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL A BUDGET SPECIAL PROVISION CONCERNING HEALTH BENEFIT PLAN CO-PAYMENTS FOR CHIROPRACTIC SERVICES.

Referred to the **Health Care Committee**.

H.B. 510, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AYDEN TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

Referred to the **State & Local Government Committee**.

H.B. 514, A BILL TO BE ENTITLED AN ACT TO ALLOW PASSENGER BUSES THAT HAVE AN OVERALL LENGTH OF SIXTY-ONE FEET TO OPERATE ON PUBLIC STREETS AND HIGHWAYS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 561, A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPOINTMENT PROCESS FOR TRUSTEES OF THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 619, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LOUISBURG TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND AUTHORIZING THE TOWN TO REMOVE OR DEMOLISH THOSE BUILDINGS.

Referred to the **State & Local Government Committee**.

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H.B. 701, A BILL TO BE ENTITLED AN ACT TO EXEMPT LICENSEES WHO ARE IN ACTIVE PRACTICE AS COSMETOLOGISTS AND HAVE TWENTY CONSECUTIVE YEARS OF EXPERIENCE FROM CONTINUING EDUCATION REQUIREMENTS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 705, A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO ENTER INTO LEASE PURCHASE OR INSTALLMENT PURCHASE CONTRACTS FOR FOOD SERVICE EQUIPMENT.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:46 P.M.

THIRTY-EIGHTH DAY

Senate Chamber
Thursday, March 29, 2007

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:

"A wise old Rabbi named Aliezer told a Biblical story as follows: 'God said to Moses, Moses, my children are in distress. The sea forms a sandbar in front of you and the Egyptians pursue. Yet you stand and say long prayers. Why do you cry unto me?' The Rabbi would then say 'There is a time to be brief in prayer and a time to be lengthy.' So Lord, teach us when to cease praying just with words and when to start doing something so that the very living of our lives will be a prayer offered to you. Amen."

The Chair grants leaves of absence for today to Senator Graham, Senator Hoyle, Senator Malone and Senator Pittenger.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, March 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The Chair extends privileges of the floor to Dr. Barry Ostrow from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Lois Proctor from Todd, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 363 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TAKING OF RACCOONS BY TRAPPING IN ASHE COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 364 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TRAPPING AND SALE OF FOXES IN ASHE COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 381 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF CHADBOURN.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 394, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF NEW BERN TO REQUIRE A PERMIT PRIOR TO DEMOLITION OF A CONTRIBUTING STRUCTURE WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 882, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INDUSTRIAL COMMISSION TO EMPLOY SWORN LAW ENFORCEMENT OFFICERS TO PERFORM FRAUD INVESTIGATIONS.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 42 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CRIMINAL PROCEDURE LAWS AFFECTING DOMESTIC VIOLENCE VICTIMS AND TO REQUIRE DOMESTIC VIOLENCE HOMICIDE REPORTING AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

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H.B. 46 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETERMINE WHETHER SECURITY GUIDELINES ARE NEEDED FOR DOMESTIC VIOLENCE SHELTERS OPERATED BY STATE-FUNDED AGENCIES AND TO PROVIDE, WHERE FEASIBLE, SECURE AREAS FOR DOMESTIC VIOLENCE VICTIMS TO AWAIT HEARING OF THEIR COURT CASE AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

PERSONAL PRIVILEGE

Upon motion of Senator Snow, the remarks of Senator Blake about his upcoming trip to China are spread upon the Journal, as follows:

Senator Blake:

“To make this brief would be pretty difficult because I have been living it for about twelve months. In 1944, a pilot from Moore County was flying a P-40 aircraft in China. His plane crashed and he was killed. The Chinese that saw that plane crash went to the site, got the body, buried the pilot and maintained his gravesite for sixty-one years. In February 2005, our MIA folks were made aware of this gravesite in China. They went to China, got the remains of the body, brought him back and he was identified as being Lieutenant Hoyle Upchurch from High Falls, North Carolina, Moore County. The body was brought back in April of last year and he was buried in High Falls with high honors. We had the Chinese Embassy represented and we had people from all over the world at that service and I concluded at that time that the story was over. In August of last year, I received a letter from the County of Gu Dong, which is in the Hunan Province of China. They said that they would like to build a memorial for that pilot. They have done that and on April 5 they want to dedicate this memorial to Lieutenant Hoyle Upchurch. It was my duty to put together a group of people from our County and my district to be a part of this delegation. My counterpart is Dr. Glenn Shoe, a North Carolina State University Professor who lives here in Raleigh. His job was to take care of the Chinese side of the equation. The delegation will be leaving on Saturday morning and will be gone for ten days. On April 5, the ceremony will take place in Gu Dong County. In China, April 5 is a lot like the Fourth of July here. It is a national holiday. This event will be carried on every network in China because this will be the news story of the day. I absolutely realize that I’ve been privileged to be a part of this great journey. Moore County will actually do a little ceremony as a sister relationship with the County and I’m hoping that our State will be part of that process. The Upchurch family will be part of the delegation. Not any of them live in North Carolina anymore. Some are coming from California, Florida and around the Country. I hope that on April 5 you will just think about what a pilot did sixty-two years ago. He was flying a P-40 airplane. In order to fly those planes you had to be the very best. It was a

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volunteer part of our military because his unit flew under the Chinese Government in the beginning and he wrote a letter home maybe a week or so before he was killed and he said, 'Don't worry about me if I don't get back. I'm not married and in a year or two you will have forgotten me.' Well folks, it's amazing what can happen to a life even in certain circumstances. On April 5, the world will know about Lieutenant Hoyle Upchurch from High Falls, North Carolina, Moore County and thanks for giving me the opportunity to make these comments. If you know anything about Moore County, it is noted for pottery. If you know anything about pottery in Moore County, you'll know the name Ben Owen. Well, when I was thinking about what we could give the County of Gu Dong as a gift, I called Ben and asked him if he could do something and he yes he could. Friends, I want you to know that Ben and I went to the gravesite where Lieutenant Upchurch is buried and he literally found the clay. It takes two types of clay to make this kind of pottery. He literally got the clay for this pot from probably seven-hundred feet from where Lieutenant Upchurch is buried. Ben Owen has inscribed on the bottom of this, 'From Moore County to the County of Gu Dong' and I think the inscription is about peace and good friendship. Ben Owen will be making this trip with us and I am privileged to say that Ben is in the gallery today and Ben I would like for you to stand up and be recognized. Last Friday I had the opportunity to go down to Pope Air Force Base and visit the Flying Tiger Organization that is located there. This unit that Hoyle Upchurch flew in has been re-activated and is located in Bragg. If any of you ever have a chance to visit that unit, I ask you to do it. It is the most refreshing experience you'll ever have, to meet those wonderful people that put their life on the line everyday for our security. They are great Americans and they know what they are doing and they know why they are doing it. It is just a blessing. Thank you for giving me an opportunity to make these comments. See you in about ten days. Thank you."

ADDITIONAL SPONSORS

Senator Apodaca requests to be added as a sponsor of previously introduced legislation:

S.B. 900, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF RECOUPMENT SURCHARGE ON AUTOMOBILE LIABILITY INSURANCE POLICIES.

S.B. 901, A BILL TO BE ENTITLED AN ACT TO REVISE THE AUTOMOBILE LIABILITY INSURANCE RATE FILING REVIEW PROCESS TO INCLUDE THE USE OF A SPECIAL JUDGE FOR RATE FILING CASES.

S.B. 1032, A BILL TO BE ENTITLED AN ACT TO IMPOSE TIME LIMITATIONS ON OVERPAYMENT RECOVERY UNDER THE PROMPT CLAIM PAYMENTS STATUTE.

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S.B. 1089, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE STANDARD OF PROOF IN CERTAIN MEDICAL MALPRACTICE ACTIONS.

S.B. 1490, 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.

Senator Preston requests to be added as a sponsor of previously introduced legislation:

S.B. 682, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENSURE THAT CHILD NUTRITION PROGRAMS OPERATING IN NORTH CAROLINA'S PUBLIC SCHOOLS HAVE ADEQUATE FUNDS TO IMPLEMENT THE NUTRITION STANDARDS IN ELEMENTARY SCHOOLS AS ADOPTED BY THE STATE BOARD OF EDUCATION.

Upon motion of Senator Basnight, seconded by Senator Purcell, the Senate adjourns subject to introduction of bills and receipt of messages from the House of Representatives, to meet Monday, April 2, at 7:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 27 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A FILM AND PHOTOGRAPHIC PRINT PROCESSOR OR A COMPUTER TECHNICIAN WHO, IN THE PERSON'S SCOPE OF EMPLOYMENT, OBSERVES AN IMAGE OF A MINOR OR A PERSON WHO REASONABLY APPEARS TO BE A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE PERSON REQUESTING THE PROCESSING OF THE FILM OR PHOTOGRAPHS OR IN POSSESSION OF THE COMPUTER TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN OR TO THE APPROPRIATE LOCAL LAW ENFORCEMENT OFFICER.

Referred to the **Judiciary I Committee**.

H.B. 649, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' REGISTRATION BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE LAWS PERTAINING TO LANDSCAPE CONTRACTORS.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:32 A.M.

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THIRTY-NINTH DAY

Senate Chamber
Monday, April 2, 2007

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, salvation history, that is what this week is all about. We celebrate it in different ways, from synagogues and grand cathedrals to one room country churches, from Passover, which begins tonight at sundown, to a hill called Golgotha and Easter's empty tomb. It is a time when we remember how you saved us from evil, death and from our own humanity. That you saved us is a gift, not some sort of achievement on our part. We can make ourselves moral. We can even make ourselves religious. But we can't make ourselves love. We love, John says, because you first loved us. To your glory and our salvation we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Blake, Senator Hoyle and Senator Preston.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Timothy Bukowski from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Baer from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 153, AN ACT TO IMPLEMENT THE FEDERAL LAKE MATTAMUSKEET LODGE PRESERVATION ACT BY ACCEPTING THE TRANSFER AND PROVIDING THAT AFTER REPAIRS AND RENOVATIONS BY THE DEPARTMENT OF CULTURAL RESOURCES THE PROPERTY SHALL BE TRANSFERRED TO AND MANAGED BY THE WILDLIFE RESOURCES COMMISSION.

H.B. 42, AN ACT TO AMEND CRIMINAL PROCEDURE LAWS AFFECTING DOMESTIC VIOLENCE VICTIMS AND TO REQUIRE

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DOMESTIC VIOLENCE HOMICIDE REPORTING AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

H.B. 46, AN ACT TO DETERMINE WHETHER SECURITY GUIDELINES ARE NEEDED FOR DOMESTIC VIOLENCE SHELTERS OPERATED BY STATE-FUNDED AGENCIES AND TO PROVIDE, WHERE FEASIBLE, SECURE AREAS FOR DOMESTIC VIOLENCE VICTIMS TO AWAIT HEARING OF THEIR COURT CASE AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Swindell; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Foriest, Goss, Jenkins, Jones, Kinnaird, Nesbitt, Purcell, Queen, Rand, Smith, Stevens and Tillman:

S.J.R. 1556, A JOINT RESOLUTION RECOGNIZING THE MEN'S BASKETBALL TEAM AT BARTON COLLEGE ON BECOMING THE 2007 NCAA DIVISION II NATIONAL CHAMPIONS.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for Wednesday, April 4.

WITHDRAWAL FROM COMMITTEE

S.B. 1531, A BILL TO BE ENTITLED AN ACT TO APPOINT JERRY BLACKMON TO THE STATE ETHICS COMMISSION UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE, referred to the **Rules and Operations of the Senate Committee** on March 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill 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 bill withdrawn from the **Rules and Operations of the Senate Committee** and places it before the Senate for immediate consideration.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

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S.B. 735, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAWS GOVERNING MEDIATION OF PROPERTY INSURANCE CLAIMS ARISING OUT OF DISASTERS, with a favorable report.

S.B. 1026, A BILL TO BE ENTITLED AN ACT TO CORRECT A PROCEDURAL TECHNICAL ERROR IN THE REQUIREMENT THAT AN APPLICANT PRESENT A VISA OF LIMITED DURATION FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND TO CORRECT AN APPARENT ERROR IN THE EXPIRATION DATE FOR DRIVERS LICENSES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

S.B. 758, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35354, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 195, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES, referred to the **Judiciary I Committee** on February 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Select Committee on Government and Election Reform**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Select Committee on Government and Election Reform**.

S.B. 210, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ONSLOW, referred to the **Rules and Operations of the Senate Committee** on February 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

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SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Elizabeth Abbott, Raleigh; Katherine Bakewell, Wilmington; Kevin Bradley, Raleigh; Rebekah Caroway, Garner; Tori Churchill, Carrboro; Lindsay Dozier, Charlotte; Ashley Flynt, Stokesdale; Thomas Gravitt, King; Jessica Nguyen, Fayetteville; Erica Ray, Knightdale; Carina Saavedra, Raleigh; Darius Smith, Raleigh; Regina Stepney, Cary; Challie Sullivan, Raleigh; Meghan Taylor, Chapel Hill; Robert Vance, Garner; Kim Webb, Fort Bragg; Hunter Wells III, Wendell; Carter Whittington, Winston-Salem; and Carletta Wilkins, Raleigh.

ADDITIONAL SPONSORS

Senator Purcell requests to be added as a sponsor of previously introduced legislation:

S.B. 1484, A BILL TO BE ENTITLED AN ACT TO SHIFT THE ENTIRE NONFEDERAL SHARE OF MEDICAID TO THE STATE AND TO MAKE CORRESPONDING CHANGES TO STATE AND LOCAL REVENUE STREAMS.

Senator Stevens requests to be added as a sponsor of previously introduced legislation:

S.B. 1478, A BILL TO BE ENTITLED AN ACT TO LIMIT MANUFACTURER, BOTTLER, AND WHOLESALER REBATES AND COUPONS.

Senator Weinstein requests to be added as a sponsor of previously introduced legislation:

S.B. 1484, A BILL TO BE ENTITLED AN ACT TO SHIFT THE ENTIRE NONFEDERAL SHARE OF MEDICAID TO THE STATE AND TO MAKE CORRESPONDING CHANGES TO STATE AND LOCAL REVENUE STREAMS.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Tuesday, April 3, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 20 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT

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COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES
TO ESTABLISH STANDARDS FOR HOMEBOUND INSTRUCTION.

Referred to the **Education/Public Instruction Committee**.

H.B. 91 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES.

Referred to the **Select Committee on Government and Election Reform**.

H.B. 150, 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 DROPOUT RATES IN LATER GRADES.

Referred to the **Education/Public Instruction Committee**.

H.B. 189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT A BOARD OF COUNTY COMMISSIONERS MAY AUTHORIZE THE GOVERNING BODY OF A CITY TO AUTHORIZE THE USE OF PYROTECHNICS WITHIN THE CORPORATE LIMITS OF THE CITY AND ISSUE PERMITS FOR THE USE OF PYROTECHNICS.

Referred to the **Judiciary II Committee**.

H.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE: (1) TO ESTABLISH A TIME LIMIT FOR SERVING UPON EACH PARTY TO AN ACTION A COPY OF A SUBPOENA TO APPEAR OR TO PRODUCE RECORDS AND (2) TO AUTHORIZE A PARTY TO AN ACTION TO OBJECT TO A SUBPOENA.

Referred to the **Judiciary II Committee**.

H.B. 382, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ELECTIONS IN THE TOWN OF HEMBY BRIDGE SHALL BE DETERMINED BY PLURALITY.

Referred to the **State & Local Government Committee**.

H.B. 398, A BILL TO BE ENTITLED AN ACT PROVIDING THE TOWN OF SPRING LAKE AND THE CITY OF WINSTON-SALEM WITH ADDITIONAL OPTIONS FOR SERVICE OF NOTICE OF VIOLATION OF THE CITY'S GARBAGE AND TRASH ORDINANCE AND THE CITY'S OVERGROWN VEGETATION ORDINANCE.

Referred to the **State & Local Government Committee**.

H.B. 407, A BILL TO BE ENTITLED AN ACT EXTENDING THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF MAGNOLIA.

Referred to the **Finance Committee**.

H.B. 484 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING AMERICAN RENAISSANCE MIDDLE SCHOOL AND AMERICAN RENAISSANCE CHARTER SCHOOL TO MERGE AND OPERATE AS A SINGLE CHARTER SCHOOL UNDER THE CHARTER OF AMERICAN RENAISSANCE MIDDLE SCHOOL AND TO DIRECT THE NEWLY CONSOLIDATED SCHOOL TO AMEND ITS CHARTER ACCORDINGLY AND TO DIRECT AMERICAN RENAISSANCE CHARTER SCHOOL TO RELINQUISH ITS CHARTER TO THE STATE BOARD OF EDUCATION.

Referred to the **Education/Public Instruction Committee**.

H.B. 489, A BILL TO BE ENTITLED AN ACT TO REDUCE THE TERMS OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FROM FIVE YEARS TO FOUR YEARS.

Referred to the **State & Local Government Committee**.

H.B. 509 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF AYDEN, CORNELIUS, DAVIDSON, HUNTERSVILLE, SPRING LAKE AND THE CITIES OF EDEN, GREENSBORO, HIGH POINT, AND REIDSVILLE.

Referred to the **State & Local Government Committee**.

H.B. 546, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO PROPERTY TAX, RETIREMENT SYSTEM, AND OTHER STATUTES RELATING TO THE NORTH CAROLINA STATE ART SOCIETY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Finance Committee** and upon a favorable report, re-referred to the **Pensions & Retirement and Aging Committee**.

H.B. 562, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS.

Referred to the **Finance Committee**.

H.B. 568, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF GARNER, HOLLY SPRINGS, ROLESVILLE, AND KNIGHTDALE TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWNS.

Referred to the **Finance Committee**.

H.B. 579, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF SPRING LAKE AND THE CITY OF GREENSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR OVERGROWN VEGETATION ORDINANCES.

Referred to the **State & Local Government Committee**.

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H.B. 588, A BILL TO BE ENTITLED AN ACT TO UPDATE AND IMPROVE LAWS COVERING UNAUTHORIZED INSURERS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 730, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAWS GOVERNING MEDIATION OF PROPERTY INSURANCE CLAIMS ARISING OUT OF DISASTERS.

Referred to the **Judiciary II Committee**.

H.B. 735 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DENY STATE PROPERTY FIRE INSURANCE FUND COVERAGE FOR LOSSES INCURRED BY STATE AGENCIES THAT HAVE NOT SUBMITTED BUILDING CONSTRUCTION PLANS TO THE COMMISSIONER OF INSURANCE FOR APPROVAL.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 867, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BOBBY S. STRICKLAND AND WIFE, PAULINE R. STRICKLAND, AND JOSEPH A. WARREN, JR., AND WIFE, LINDA B. WARREN, TO CONVEY CERTAIN LANDS TO THE TOWN OF SALEMBURG.

Referred to the **State & Local Government Committee**.

H.B. 915, A BILL TO BE ENTITLED AN ACT ENCOURAGING THE PUBLIC SCHOOLS, THE COMMUNITY COLLEGE SYSTEM, AND THE UNIVERSITY OF NORTH CAROLINA TO OFFER AMERICAN SIGN LANGUAGE FOR CREDIT AS A MODERN FOREIGN LANGUAGE.

Referred to the **Education/Public Instruction Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:45 P.M.

FORTIETH DAY

Senate Chamber
Tuesday, April 3, 2007

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, it is easy to live at peace with those people who are like-minded, but to live at peace with those who seem always to rub us the wrong way, now that is a great grace and commendable achievement. We pray today for peace in such situations. Peace of mind, a peace that passes all irritations and understanding. If you give us such a peace, then we shall be conquerors of self, your friends and heirs to heaven. Amen."

The Chair grants leaves of absence for today to Senator Blake and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, April 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 716, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE POULTRY PRODUCTS INSPECTION ACT, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 118, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO DECLARE A VACANCY IN THE OFFICE OF DISTRICT COURT JUDGE, SUPERIOR COURT JUDGE, JUDGE OF THE COURT OF APPEALS, JUSTICE OF THE SUPREME COURT, OR DISTRICT ATTORNEY WHEN THE INCUMBENT DOES NOT HAVE THE LEGAL RIGHT TO EXERCISE ITS FUNCTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85295, is adopted and engrossed.

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ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 377, AN ACT AUTHORIZING THE TOWN OF LEWISVILLE TO CONDUCT AN ADVISORY REFERENDUM ON ACQUIRING LAND TO BE USED FOR PARK AND RECREATIONAL PURPOSES.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 735, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAWS GOVERNING MEDIATION OF PROPERTY INSURANCE CLAIMS ARISING OUT OF DISASTERS.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1026, A BILL TO BE ENTITLED AN ACT TO CORRECT A PROCEDURAL TECHNICAL ERROR IN THE REQUIREMENT THAT AN APPLICANT PRESENT A VISA OF LIMITED DURATION FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND TO CORRECT AN APPARENT ERROR IN THE EXPIRATION DATE FOR DRIVERS LICENSES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second reading (47-0).

Senator Shaw objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, April 4, upon third reading.

Upon motion of Senator Basnight, seconded by Senator Malone, the Senate adjourns subject to reading of messages from the House of Representatives and in memory of Susan Malone to meet Wednesday, April 4, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE FOR FUTURE ELECTED MEMBERS OF THE CHEROKEE COUNTY BOARD OF EDUCATION FROM SIX YEARS TO FOUR YEARS.

Referred to the **State & Local Government Committee**.

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H.B. 506 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WESTERN PIEDMONT COMMUNITY COLLEGE TO ENTER INTO AN AGREEMENT WITH BURKE COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 603 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE JOINT LEGISLATIVE COMMISSION ON EXPANDING RAIL SERVICE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 646, A BILL TO BE ENTITLED AN ACT TO MAKE THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM'S DEBT COLLECTION PRACTICES MORE PATIENT FRIENDLY AND TO ASSIST CERTAIN PATIENTS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 882 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR OVERGROWN VEGETATION ORDINANCES.

Referred to the **State & Local Government Committee**.

H.B. 925 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF GRANITE QUARRY AND THE TOWN OF FAITH TO ESTABLISH A JOINT POLICE AUTHORITY TO PROVIDE POLICE PROTECTION FOR THE TWO TOWNS.

Referred to the **State & Local Government Committee**.

H.B. 1012 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE COMMISSION ON STATE PROPERTY AND TO TERMINATE ITS CONTRACT.

Referred to the **Appropriations/Base Budget Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:46 P.M.

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FORTY-FIRST DAY

Senate Chamber
Wednesday, April 4, 2007

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, certain Biblical stories stick with us from the first wide-eyed, heart pounding time we heard them even until the present. David, with his slingshot, slaying the armor-clad Philistine giant, Goliath, is one such story. Who among us when facing a formidable foe hasn't recalled this Biblical narrative as a source of inspiration and encouragement. I don't think I've heard the Bible quoted so often in public recently as when Barton College of Wilson took the floor against Winona State in the Division II Basketball Championship. It is David versus Goliath they all said. We're glad that our own David won that contest. Today, when the Senate honors the team, we are also grateful for Biblical stories brought to life by new heroes. Amen."

The Chair grants leaves of absence for today to Senator Blake and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, April 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Richard Schneider from Hickory, North Carolina, who is serving the Senate as Doctor of the Day, and to Brenda Brawn from Burlington, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 193, AN ACT TO ASSIST GASTON AND LINCOLN COUNTIES IN RESOLVING THEIR COMMON BOUNDARY BY ALLOWING THEM TO VARY FROM THE LINE ESTABLISHED BY THE 1963 GENERAL ASSEMBLY TO RECOGNIZE HISTORICAL PRACTICE.

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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. 377, AN ACT AUTHORIZING THE TOWN OF LEWISVILLE TO CONDUCT AN ADVISORY REFERENDUM ON ACQUIRING LAND TO BE USED FOR PARK AND RECREATIONAL PURPOSES. (Became law upon ratification, April 3, 2007 - S.L. 2007-5.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 658, A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA FOR THE ASSESSMENT OF BANKS AND STATE TRUST COMPANIES, with a favorable report.

S.B. 1196, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING 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 55414, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 5, A BILL TO BE ENTITLED AN ACT TO ADD METHADONE AND OTHER SCHEDULE II DRUGS TO COCAINE AND METHAMPHETAMINE AS CONTROLLED SUBSTANCES WHICH, IF UNLAWFULLY DISTRIBUTED AND CAUSE A DEATH, ALLOW FOR A CHARGE OF SECOND DEGREE MURDER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55412, which changes the title to read **S.B. 5** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD METHADONE AND OTHER SCHEDULE I AND II DRUGS TO COCAINE AND METHAMPHETAMINE AS CONTROLLED SUBSTANCES WHICH, IF UNLAWFULLY DISTRIBUTED AND CAUSE A DEATH, ALLOW FOR A CHARGE OF SECOND DEGREE MURDER, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 393, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CUTTING, INJURING, OR REMOVING

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ANOTHER'S TIMBER RESULTING IN DAMAGES THAT EXCEED ONE THOUSAND DOLLARS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35355, which changes the title to read **S.B. 393** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CUTTING, INJURING, OR REMOVING ANOTHER'S TIMBER RESULTING IN DAMAGES THAT EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Swindell for the **Education/Higher Education Committee**:

S.J.R. 866, A JOINT RESOLUTION SETTING THE DATE FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, with a favorable report.

S.B. 884, 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, with a favorable report.

By Senator East for the **State & Local Government Committee**:

S.B. 535, A BILL TO BE ENTITLED AN ACT RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN PROPERTY BY PRIVATE NEGOTIATED SALE, with a favorable report.

S.B. 595, A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPOINTMENT PROCESS FOR TRUSTEES OF THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY, with a favorable report.

H.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE TAKING OF FOXES AND COYOTES BY TRAPPING IN CUMBERLAND, HARNETT, AND MOORE COUNTIES, with a favorable report.

S.B. 354, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WILMINGTON TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER AND SEWER,

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with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75379, is adopted and engrossed.

S.B. 519, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WESTERN PIEDMONT COMMUNITY COLLEGE TO ENTER INTO AN AGREEMENT WITH BURKE 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 75378, is adopted and engrossed.

S.B. 872, A BILL TO BE ENTITLED AN ACT TO ADOPT THE THALIAN ASSOCIATION AT WILMINGTON, NORTH CAROLINA, AS THE OFFICIAL COMMUNITY THEATER 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 15066, is adopted and engrossed.

By Senator Bingham for the **Health Care Committee**:

S.B. 748, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXTEND THE RESTRICTION ON THE ISSUING OF LICENSES FOR HOME CARE AGENCIES BY ONE YEAR, with a favorable report.

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces the appointment of Senator Swindell, Chair; Senator Jones; Senator Jenkins and Senator Stevens as the Committee to escort the Barton College NCAA Division II Basketball Championship Team to the Well of the Senate.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.J.R. 1556, A JOINT RESOLUTION RECOGNIZING THE MEN'S BASKETBALL TEAM AT BARTON COLLEGE ON BECOMING THE 2007 NCAA DIVISION II NATIONAL CHAMPIONS, is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Upon motion of Senator Swindell, the joint resolution is read in its entirety and, upon motion of Senator Rand, the remarks of the members and guests, are spread upon the Journal, as follows:

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Senator Swindell:

“Mr. and Mrs. President, thank you so much for coming today with this team. I want to say to all of you and to your families how proud you have made everybody on this floor today, but especially my wife, Diane, and me for we had to sit there in the stands watching you come down the stretch, Anthony, at games and wonder what was next. We literally stayed on the edge of our seats. L. J., all of you and the way you played this game was amazing. You not only represent Barton College, but you represent Wilson and Wilson County. You represent the State of North Carolina now as you’ve moved on to greater things. In the *News and Observer* this past weekend, there was a feature, Anthony, and you had your picture on there and I think David was on there, too, on the front page of the paper. You guys said that you were having a hard time getting the proper perspective of what all of this was about and Anthony said that every time he looks at forty-five seconds to go he thinks things are going to turn out some other way. I want to put that into perspective the way I see it. You have lived our dream. Every kid who has ever had a basketball in the backyard has played with five seconds to go. We have done that over and over. We have done it against all of our famous college teams. We’ve had the ball, we’ve dribbled, we’ve counted the seconds and, if we missed, we started over again. Well, when you had about two and a half minutes to go, I was watching the game with some friends from Wilson, Al and Margaret Nile, and as Anthony went to the foul line, Margaret said, ‘I’ve seen that look in his eyes before, they are going to win this game.’ As we sat there watching the game and Bobby with that steal making your way down the court and the whole team effort that you put in, you know we had a dream come true. We made that final shot with you all making it for us. And we finally, with you, won a National Championship because of you. So all of those backyard dreams have come true. Thank you for being here.”

Senator Graham:

“I, too, would like to lend my voice in congratulating the Barton College Men’s Basketball Team. At the beginning of the quarter finals, Senator Swindell knows that I’m a graduate of Johnson C. Smith, a Division II school so I have always followed Division II basketball and I think you guys play Queens on a regular basis in Charlotte. Senator Swindell came to me during the quarter finals and said, ‘We have a big game, Malcolm.’ And I said, ‘Well, I don’t know Senator, I think you guys are playing Virginia Union and Virginia Union is pretty tough.’ But I think you played someone else, but you won that game and you went to the finals and I was sitting there in my living room watching the game with my daughter who plays AAU Basketball, and I was giving her the old ‘quitters never win’ speech and she said, ‘This game is over, daddy.’ And I said, ‘No, they might pull it out. They still have a minute left to play.’ And she said, ‘Daddy, this game is over.’ And point by point and point by point and when the last steal was made and you laid it up she said, ‘He’s not going to make it.’ And he made that lay up with .1 second left in the game. So Coach and members of the team, you made my speech to my daughter a reality that in

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trying times quitters never win and winners never quit and certainly you represented all Division II schools, including my Alma Mater, extremely well. Congratulations.”

Senator Brown:

“Having a son that was recruited by Coach Hall to play soccer and who spent about four hours at my house, I guess about six or seven years ago, I got to know a little bit about Barton College. My son decided to go somewhere else, but he ended up at Mount Olive College and I think Mount Olive is probably, if not the biggest rival, one of the biggest rivals for these guys. I wanted to tell you that the kids at Mount Olive College were pulling for you guys real hard. My son and some of his friends came and were watching the game with us and they were pretty excited when you guys won. So I have a little touch of Mount Olive in me and Senator Swindell kind of kept us informed a lot and we talked about it. But Coach Hall really spent more time recruiting my son more than anyone else who tried to recruit him and I appreciated that. So I just know how good a college Barton is and I can really appreciate what you guys did and just congratulate you for a great accomplishment.”

Senator Rand:

“Ladies and gentlemen of the Senate, I am delighted that we have some school children here today to witness this because I will tell you young folks if you have ever seen things that make an impression on you, that give you the strength to carry on, the will to persevere, the hope that what you are doing will be successful, these young men here exemplify this as much as anything I have ever seen. This was an incredible basketball game. I, for some reason, saw it. I don't know why. I was just kind of flipping and got on it and really then got into it. I went to Chapel Hill and when we beat Duke that time with just a few seconds left, I had the flu and I turned the television off because it was making me so mad and I didn't want to see it. That was one of the worst mistakes of my life! But I enjoyed this as much as anything that I have ever seen. You have made us all extremely proud by your never-say-die attitude. That you kept getting it and getting it and what you accomplished will be with you the rest of your life and nobody can ever take the things you did away from you because you performed at the highest level, competed and emerged victorious. Somebody told me one time that the next best thing to shooting and winning was shooting and losing and you guys got to shoot and win and that is absolutely marvelous. By what you have done, you have really reflected a great deal of positive things to North Carolina. I saw somewhere that your coach is thinking about becoming a preacher. If I had something like that happen to me, I think I would have converted on the spot. But what you have accomplished is a wonderful tribute to you, to the coaching staff, to the administration, and to your school. I'm delighted for your accomplishment and I appreciate very much the wonderful attention you have brought to North Carolina and we really look forward to your continuing to do the good things for our society that you have done for college basketball. Thank you.”

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Senator Atwater:

“I want you to know that Senator Swindell told us about your championship games before they were starting. It was an invitation, but it was more like a ‘you had better watch this game,’ because he was so excited about it and so I started watching and I enjoyed the Championship Game immensely. I couldn’t believe what I was seeing. I would like to share with you some comments that I took off of the WRAL Commentary by Tom Suitor and I changed around just a word or two there and hope you enjoy these words, as well as my fellow Senators and the guests that are present. It’s Barton, it’s Barton, is the name of the introduction he gave. It is the stuff of legends. It is what they make movies about. It is one of the most amazing finishes that I have ever seen. Cinderella lives and breathes in Wilson, North Carolina at Barton College. The glass slipper fits and Barton College is the NCAA Division II Basketball Champion. If you didn’t see it, and I hope you did, you missed a miracle. They won the title 77-75 over undefeated defending champions, Winona State, a team which had won fifty-seven straight games. They won it because they believed they would win it. Barton trails the whole way in the game. I am watching the game and thinking it is over. Winona State is up 74-67 with just forty-five seconds left. I mean these guys haven’t lost all season. They think the game is theirs. Against anybody else, that might be. Winona State doesn’t believe what is happening. Seconds before all this, they are celebrating an undefeated National Championship and now they are feeling the apple in the throat. These closing seconds to them are in slow motion. Afterwards, Winona forward, Quincy Henderson, said, ‘I am still trying to figure out what happened.’ He is probably still thinking about it. Barton won the 2007 NCAA Division II Championship. Is that not unbelievable or what? Sometimes it is just meant to be and for this Barton basketball team, this is a moment that will stand in time, even as the years fly by. Some quotes from Coach Lievens, ‘We never stopped believing.’ ‘You can’t find a better ending.’ And this you would expect, some brilliant coaching advice from the NCAA Division II Coach of the Year, ‘All I said to Anthony at the end was that it was time for him take over.’ The Barton team that went 31-5 won an unreal, nine overtime games. This was a team that was used to playing in close games and was used to winning them. They believed even when they were seven down with forty-five seconds left against a team that hadn’t lost since January of 2006. David had a big rock on Saturday and the big giant of Division II was stunned senseless. Barton College is National Champion. We all here know the championship applause and the championship accolades and all the wonderful attention that you duly deserve, but in time those things fade away a bit. An interesting thing happens to young people like you that Senators like us and most all of society place upon your shoulders and that is the mantle of leadership and responsibility and it happens whether you really want it or not or whether you approve of it because you are a National Champion now. We look up to you. I hope that you will sublimate all of those applauses and all of those fancy remarks which you duly deserve at the time, no question about and for years to come. But think about the ways that you might use your leadership to help in your community, in your region, in the State and

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Nation. I would hope that you would consider showing up at our public schools, maybe most especially in the early grades where kids need to see a real champion and they need to hear that story about the work ethic, the tough times you had maybe personally, the time you finally committed to wanting to play team ball and what that meant for you and what that can do for you in playing team ball, the ups and downs. What it meant to you and what you had to go through to become a champion because they desperately need to hear that and there will be some kids there that will never have a championship moment, but you could give it to them by explaining to them what it takes to be a champion. I want you to also look for that kid, and we all know that kid, that is having a tough time, a little lack of self-confidence, nobody has ever really cheered them on and encouraged them on and you be that one to encourage them on, to make them believe that they can succeed, that they can overcome some pretty tough obstacles that they may be dealing with. You have a tremendous opportunity as being a national champion and I hope that you will give some thought to that. You've reflected great credit upon yourselves and upon your families and upon Barton College and upon this Old North State where the weak grow strong and the strong grow great just like you. Thank you."

Senator Basnight:

"Members of the Senate, this wonderful collection of successful young men, Coach and President, Senator Rand wants the young Buffalo man who stole the ball, where is he? Well, Senator Rand is claiming you as his blood. He said that 235 years ago his grandmother was a Buffalo so he has claimed you and he feels like he gave you those skills that you have! I always wanted to play basketball but my coach was a family member. His name was Steve Basnight and I was a freshman at Manteo High and he said, 'Marc, you have to be able to run and bounce the ball at the same time.' I was cut from Manteo's junior varsity squad in the ninth grade. Senator Swindell kept me informed of each and every game and he would tell me when you would play, but he would never invite me. He never wanted to buy that ticket. I know what the reason was. Then I had a phone call from Dale Bone. He cares about this school and about your success and what you will become in life and he invited me to stop by and have lunch and it was after one of your quarter final victories and he goes to those games. He was telling me you were going to win this National Championship. I was sitting there looking at Dale, who is pretty blunt with his language and I told Dale that he had better stick to growing cucumbers and sweet potatoes! But he was right and many people were right and more than anyone else you were right because you believed and you knew that you could win these games and now you have succeeded and now you sit on the Senate floor where the Wake Forest Football Team, the ACC Champs, sat. The Appalachian State Football Team sat where you sit today, as well as The University of North Carolina Women's Soccer team. The point that I am making is that for those of us who are sitting here today and so for many people in North Carolina, you are the real champs. You are the ones who did it without people believing that a small college like yours could beat someone who had won fifty-seven straight games and you

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thrilled all of us and I watched that game as well. I had planned to watch it and I was amazed and like Senator Graham's daughter, I did not believe that you could win at the very last, but you did and when the young man, Anthony, when you scored that basket I don't think you knew where you were for a while as you rounded that court and all of us watched that and then we watched it so many times over. You brought that great joy to us and that privilege to be able to call you champions and you will be champions forever more. I recommend this resolution to the members of the Senate and we thank you for what you have achieved."

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.

Coach Ron Lievens:

"I just want to say personally, I am very humbled by this. This is truly an incredible experience for all of us. We thank you so much for your time. I know how busy you all are and you have so many pressing matters on your table on a daily basis and I just want to thank you from my heart and from my boss, Gary Hall, and our President, President Kneten. Thank you so much for all that you are doing for us today. This is something that these young men will remember for the rest of their lives. Certainly, I cherish each and every moment of this. Thank you. This year has been an incredible year and this team does not know the word 'quit' and they have a big heart. Everywhere we went, people did not believe in this team, they would say you are too small or you are not athletic enough, you do not have very many big guys. Everywhere we went, people did not believe in us, but these guys believed in themselves. They showed what can happen in athletics if you do not doubt yourself, if you constantly believe, are not tired of working, and you play together. This team played very well together and very unselfishly."

President Kneten:

"Madame Chair and honorable members of this Body, I am not sure what I am doing here. I did not sink a one of those baskets all the way down. I do remember in the quarter finals of the Eastern Region standing there toward the end of the game yelling my voice out and thinking that it does not look like we are going to make it and I had started thinking about what I was going to say to the coaches, what I might say to the players, that they have had a wonderful run, it's been a great time, and then they won. From that point forward, I never had that thought again, not once. Every time I was looking and thinking what are they going to do next and they took it all the way, all heart. They have lived a dream, as you said. They have lived a dream. They have broken out of the ordinary and that is what we want for our student athletes and that is what we do for our students. We are thrilled to be here and we appreciate the opportunity that you have given us."

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Coach Lievens introduces the following guests: Gary Hall, Director of Athletics; Joel Zimmerman, Assistant Coach; John Skinner, Assistant Coach; Randy Pridgen, Head Athletic Trainer; John Hackney, Sports Information Director; Brittany Hensley, Team Manager; Keith Tew, Team Photographer; and Mrs. Susan Kneton, Barton's First Lady.

The following players introduce themselves: Bobby Buffaloe, Sam Pounds, Alejo Barovero, Anthony Atkinson, Brandon Raffle, Jeff Dalce, Bobby McNeill, L. J. Dunn, Errol Frails, Spenser Briggs, Brian Leggett, Charles Gamble, Mark Friscone, David King, Jarrett Eason, Shane McDuffy, and Travis Johnson.

Upon motion of Senator Swindell the President extends the courtesies of the gallery to the Mayor of Wilson, Bruce Rose and his wife, Mrs. Becky Rose; Mr. Bobby White, Board of Trustees member; Mr. Morgan Dickerman, Publisher of the *Wilson Daily Times*; Mrs. Darla Lievens, wife of Coach Lievens, and their children, Tiffany, Kristy, and Angela; Mrs. Kristin Skinner, wife of Assistant Coach John Skinner; and Mrs. Lynne Medlin, Assistant to the President of Barton College; and Judge Sid Eagles, Chairman of the Board of Trustees.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR A ONE-DAY ORGANIZATIONAL SESSION FOLLOWED BY AN EXTENDED RECESS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55413, which changes the title to read **S.B. 6** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR AN ORGANIZATIONAL SESSION FOLLOWED BY AN EXTENDED RECESS, is adopted and engrossed.

S.B. 229, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS A FELONY WITH LIFE IMPRISONMENT WITHOUT PAROLE IF A PERSON WHO WAS THE RESPONDENT OF, AND SUBJECT TO, A DOMESTIC VIOLENCE PROTECTIVE ORDER MURDERS THE PETITIONER WHO OBTAINED THE ORDER, OR SOME OTHER PARTY THAT HAD BEEN DESIGNATED AS A PERSON PROTECTED BY THE ORDER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85296, which changes the title to read **S.B. 229** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD AN AGGRAVATING FACTOR IN CAPITAL

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MURDER CASES THAT THE DEFENDANT KNOWINGLY VIOLATED A DOMESTIC VIOLENCE PROTECTIVE ORDER AND THE VICTIM WAS A PERSON PROTECTED UNDER THE ORDER, is adopted and engrossed.

By Senator Bingham for the **Health Care Committee**:

S.B. 836, A BILL TO BE ENTITLED AN ACT TO RENAME THE FOOD STAMP PROGRAM TO BE CONSISTENT WITH FEDERAL LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55415, which changes the title to read **S.B. 836** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE FOOD STAMP PROGRAM TO REFLECT THE USE OF ELECTRONIC BENEFIT TRANSFER CARDS, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO DECLARE A VACANCY IN THE OFFICE OF DISTRICT COURT JUDGE, SUPERIOR COURT JUDGE, JUDGE OF THE COURT OF APPEALS, JUSTICE OF THE SUPREME COURT, OR DISTRICT ATTORNEY WHEN THE INCUMBENT DOES NOT HAVE THE LEGAL RIGHT TO EXERCISE ITS FUNCTIONS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1026, A BILL TO BE ENTITLED AN ACT TO CORRECT A PROCEDURAL TECHNICAL ERROR IN THE REQUIREMENT THAT AN APPLICANT PRESENT A VISA OF LIMITED DURATION FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND TO CORRECT AN APPARENT ERROR IN THE EXPIRATION DATE FOR DRIVERS LICENSES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Senator Shaw offers Amendment No. 1.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee** with Amendment No. 1 pending.

WITHDRAWAL FROM COMMITTEE

H.B. 1012 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE COMMISSION ON STATE PROPERTY AND TO TERMINATE ITS CONTRACT, referred to the **Appropriations/Base Budget Committee** on Tuesday, April 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee**

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and placed on the Calendar for Thursday, April 5, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Thursday, April 5.

CHANGES TO 2007 SENATE COMMITTEES

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Atwater and Senator Goss to the **Joint Select Committee on Emergency Preparedness & Disaster Management Recovery**.

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces Senator Boseman is removed from the **Finance Subcommittee on Capital & Infrastructure Financing**.

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Malone as senior Chair of the **Appropriations on Education/Public Instruction Committee**, and the **Education/Public Instruction Committee**.

ADDITIONAL SPONSORS

Senator Berger of Franklin requests to be added as a sponsor of previously introduced legislation:

S.B. 1288, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO REGIONAL COUNCILS OF GOVERNMENT TO ASSIST LOCAL GOVERNMENTS ON A REGIONAL BASIS IN THE AREAS OF ECONOMIC DEVELOPMENT, COMMUNITY DEVELOPMENT, INFRASTRUCTURE, AND OTHER SIGNIFICANT LOCAL NEEDS AND TO PROVIDE TARGETED ASSISTANCE TO AID LOCAL GOVERNMENTS IN DISTRESSED COUNTIES WITH ECONOMIC RECOVERY.

Senator Smith requests to be added as a sponsor of previously introduced legislation:

S.B. 1101, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF ADMINISTRATION TO PROVIDE GRANTS TO MILITARY COMMUNITIES.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Thursday, April 5, at 11:00 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
April 3, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.R. 444** (Committee Substitute), A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the House has elected the following persons to serve for a four-year term :

Mr. Brent D. Barringer
Mr. Charles A. Hayes
Mr. G. Leroy Lail
Mr. Ronald C. Leatherwood
Mr. Marshall B. Pitts, Jr.
Ms. Gladys Ashe Robinson
Mr. Purnell Swett, and
Ms. Priscilla P. Taylor

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. 441 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CUTTING, INJURING, OR REMOVING ANOTHER'S TIMBER.

Referred to the **Judiciary II Committee**.

H.B. 670 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA NATIONAL GUARD TO OPERATE POST EXCHANGES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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H.B. 696, A BILL TO BE ENTITLED AN ACT TO ENSURE FAMILY SUPPORT GRANTS ARE PROVIDED TO COMMUNITY-BASED AGENCIES TO IMPLEMENT ONLY FAMILY SUPPORT PROGRAMS THAT ARE RESEARCH-BASED AND HAVE BEEN EVALUATED FOR EFFECTIVENESS UNDER THE LAWS PERTAINING TO THE FAMILY RESOURCE CENTER GRANT PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 697, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SOCIAL SERVICES COMMISSION TO ADOPT RULES ESTABLISHING EDUCATIONAL REQUIREMENTS FOR STAFF EMPLOYED BY MATERNITY HOMES, CHILD PLACING AGENCIES, AND RESIDENTIAL CHILD CARE FACILITIES.

Referred to the **Health Care Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:24 P.M.

FORTY-SECOND DAY

Senate Chamber
Thursday, April 5, 2007

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 midst of all the activities of this week, especially this holy week, as we return to our homes and families, may we make some space in our lives for you. Only by your presence may the deep places in our hearts be touched. Only in your light do we see who we really are. Amen."

The Chair grants leaves of absence for today to Senator Blake and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, April 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The Chair extends privileges of the floor to Dr. Terry McLendon from Durham, 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.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1196 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 10.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1556, A JOINT RESOLUTION RECOGNIZING THE MEN'S BASKETBALL TEAM AT BARTON COLLEGE ON BECOMING THE 2007 NCAA DIVISION II NATIONAL CHAMPIONS. (Res. 19)

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. 61, AN ACT TO AMEND THE CHILD RESTRAINT LAW TO ENSURE COMPLIANCE WITH FEDERAL REGULATIONS. (Became law upon approval of the Governor, April 4, 2007 - S.L. 2007-6.)

H.B. 124, AN ACT TO AMEND THE EMBARGO AUTHORITY OF THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH DIRECTORS. (Became law upon approval of the Governor, April 4, 2007 - S.L. 2007-7.)

H.B. 123, AN ACT TO AUTHORIZE THE STATE HEALTH DIRECTOR TO SHARE EMERGENCY DEPARTMENT DATA WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) FOR PUBLIC HEALTH PURPOSES. (Became law upon approval of the Governor, April 4, 2007 - S.L. 2007-8.)

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S.B. 193, AN ACT TO ASSIST GASTON AND LINCOLN COUNTIES IN RESOLVING THEIR COMMON BOUNDARY BY ALLOWING THEM TO VARY FROM THE LINE ESTABLISHED BY THE 1963 GENERAL ASSEMBLY TO RECOGNIZE HISTORICAL PRACTICE. (Became law upon ratification, April 4, 2007 - S.L. 2007-9.)

CALENDAR (*continued*)

S.B. 354 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WILMINGTON TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING WATER AND SEWER.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 519 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WESTERN PIEDMONT COMMUNITY COLLEGE TO ENTER INTO AN AGREEMENT WITH BURKE COUNTY.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 535, A BILL TO BE ENTITLED AN ACT RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN PROPERTY BY PRIVATE NEGOTIATED SALE.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 595, A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPOINTMENT PROCESS FOR TRUSTEES OF THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE TAKING OF FOXES AND COYOTES BY TRAPPING IN CUMBERLAND, HARNETT, AND MOORE COUNTIES.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled.

S.B. 6 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR AN ORGANIZATIONAL SESSION FOLLOWED BY AN EXTENDED RECESS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 10.

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S.B. 229 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD AN AGGRAVATING FACTOR IN CAPITAL MURDER CASES THAT THE DEFENDANT KNOWINGLY VIOLATED A DOMESTIC VIOLENCE PROTECTIVE ORDER AND THE VICTIM WAS A PERSON PROTECTED UNDER THE ORDER.

The Committee Substitute bill passes its second (45-2) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 576, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING BUSINESS ENTITIES TO MAKE VARIOUS CLARIFYING AND TECHNICAL CHANGES REGARDING MERGERS AND THE AUTHORITY OF BOARD COMMITTEES, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, April 10.

ELECTION OF MEMBERS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Pursuant to **S.R. 1486**, A SENATE RESOLUTION TO AMEND THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and pursuant to the report received from the Education/Higher Education Committee today with the slate of candidates to be submitted to the Senate, the President recognizes Senator Swindell, Senior Chair of the Education/Higher Education Committee, to explain the voting procedures.

Senator Swindell announces that Senator Malone, Senator Foriest, Senator Dalton, Senator Cowell, and Senator Apodaca will serve to over-see the vote canvass. The ballots are distributed and the Senators proceed to vote by marking and signing their ballots.

The Senate recesses at 11:40 A.M. to allow the appointed members to canvass the ballots for the UNC Board of Governors election.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

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**ANNOUNCEMENT OF MEMBERS
ELECTED TO THE BOARD OF GOVERNORS
OF THE UNIVERSITY OF NORTH CAROLINA**

Pursuant to **S.R. 1486**, A SENATE RESOLUTION TO AMEND THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and with 47 ballots having been properly completed according to the procedures, Senator Swindell, Senior Chair of the Education/Higher Education Committee, announces the results of the election of members to the Board of Governors of the University of North Carolina, as follows:

R. Steve Bowden
Frank Arthur Daniels, Jr.
John W. Davis III
Ann Goodnight
Clarice Cato Goodyear
Peter Hans
Adelaide Daniels Key
Estelle W. Sanders

The President declares R. Steve Bowden, Frank Arthur Daniels, Jr., John W. Davis III, Ann Goodnight, Clarice Cato Goodyear, Peter Hans, Adelaide Daniels Key, and Estelle W. Sanders duly elected to the Board of Governors of the University of North Carolina, and she further orders a special message sent the House of Representatives informing that Honorable Body of such action. The President directs Senator Swindell, Senior Chair of the Education/Higher Education Committee, to notify the Secretary of the Board of Governors of the University of North Carolina of the names of the persons elected by the Senate.

INTRODUCTION OF A JOINT RESOLUTION

A Joint Resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Rand; Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goss, Graham, Hagan, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Weinstein and Smith:

S.J.R. 1557, A JOINT RESOLUTION EXPRESSING THE PROFOUND REGRET OF THE NORTH CAROLINA GENERAL ASSEMBLY FOR THE HISTORY OF WRONGS INFLICTED UPON BLACK CITIZENS BY MEANS OF SLAVERY, EXPLOITATION, AND LEGALIZED RACIAL SEGREGATION AND CALLING ON ALL CITIZENS TO TAKE PART IN ACTS OF RACIAL RECONCILIATION.

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Upon motion of Senator Rand, the joint resolution is placed on the Calendar for immediate consideration.

Upon motion of Senator Rand, the joint resolution is read in its entirety.

Senator Dorsett offers Amendment No. 1 which is adopted (46-0).

Upon motion of Senator Forrester, the remarks of the members, are spread upon the Journal, as follows:

Senator Rand:

“Ladies and gentlemen of the Senate, when I read this year or last year or whenever it was about Virginia’s action in this regard, I took a little time to reflect on things. I’m sorry that North Carolina did not lead the way in this, but since we didn’t there is nothing I can do about that. The only thing we can do, I think, is to take a little time ourselves and to reflect on the lessons of history and North Carolina’s participation in a way of life and in a system that we all deeply regret now. The innate qualities of human beings and the worth of an individual, all of these things are an integral part of what we talk about here today. In college I majored in history and political science and I have become more a student of history as I grow older and I think that it is incumbent upon us to re-examine those things that have gone on in other times and in other places and the things that our State has done and the kind of things that we, as a people, have participated in. To find value in those things that did move humanity forward, but then to express our regret for those things that did not, that demeaned human beings, was a system that denied the basic humanity of a people. So, hopefully, through this we can gain a better understanding of ourselves, a better understanding of some of our ancestors, and a better understanding of what kind of State we can be if we continue to work to honor the value of every human being and to try to make sure that our society is the kind of society that does value people for what they do and how they approach life and not to discard someone simply because of the color of their skin or to enslave someone simply because they could. I think that this is a way to reflect upon this and to express our understanding and our regret for official actions of our State. We are the elected representatives of the people and I think it is incumbent upon us to do this kind of thing when we can and when we look at this, hopefully, in some way this may aid us as we go forward to try to be better children of God and better representatives of all of the people of our State as we try to build a better world. I would ask your support. Thank you.”

Senator Shaw:

“The other day when Senator Rand brought me the resolution and asked if I would sign on to it, I told him that I thought it was a good resolution and I shook his hand on it and looked him in the eye because I wanted to see if I could see the sincerity in his heart. I think it took a great step for him to do this and I want to commend him for doing this. This man is not often at a loss for words, but he struck me with this as the right thing to do. I call upon the Members of the Senate to remember some of the atrocities and some of the worst types of violence that have been visited upon humanity in the forms of previous

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ancestors. Slavery in itself is not such a bad idea if you give your slave what you have yourself and in many ways this is not slavery. There were indentured servants long before slavery in this Country and you could work your way out of a contract. But the type of slavery that we saw and that we witnessed was the worst form of slavery. It was chattel slavery which reduces a human being to property and therein lies the problem. When you take the soul from an individual, even women in this Country experienced this, women, black and white, did not have a soul and this was wrong. When you dehumanize a human being, that is one of the worst kinds of things we can do in the name of profit. Thank God that day is gone and thank God we have a new life that we walk by. It is the kind of life where you have an opportunity to live up to this creed, to this great Constitution that we all swear by, that we all took an oath to affirm. You have a chance to do some things and correct some redress. This is not a matter that you should take lightly. This is not a feel-good resolution. Many people have died, were lynched, and suffered because of injustices just because they were in the wrong place at the wrong time. So I applaud you for hearing this resolution today. It is not something easy. It is not something you really want to look at and talk about, but it allows you to gain a sense of fullness about humanity. There was a famous decision that was handed down by the U.S. Supreme Court, the Dred Scott Decision, where the slave had sued for his freedom and it went all the way to the Supreme Court and the courts, after deliberation, denied him the redress and said the reason that he didn't win was because he was three-fifths of a man. Well, how do you become three-fifths of a man? Well, when you can't read and when you can't write and when you don't have the intellect of the average citizen, you are the walking dead. You are non-productive. You are really not living a life that the good Lord intended for you to live. They had taken all of his senses from him. And today that is why after the Civil War, education was the number one priority in this Country for former slaves. That is why you see all of the historically black colleges and universities. Most of them were started right after the Civil War. It is no accident or coincidence that this occurred so that people can learn to read and write and that they can grow in their humanity. This is a noble gesture but I urge you, don't let it end here. There is plenty of work to be done. The NAACP and the Coalition Partners are striving to bring about change that is going to improve all of our lives. You know many across the State cannot organize. This is North Carolina and it should be pro-business. But our firefighters can't organize in some of the counties and in some of the cities. Our policeman cannot organize. Is this America or is this some third-world country we are living in? This is America. You know, we have almost squandered all of our goodwill around the world on foolishness. Everybody wanted to be American, everybody around the world and rightly so because we have set forth a standard of recognition, you know rags to riches, anybody. It is untold of. I mean that is why they came from Europe, wasn't it? You were born into a system and you couldn't rise out of that caste system. Over here is a new Jerusalem. Well, here in North Carolina we don't have the right to organize. People have to have the right for grievances. We have a sixty percent drop-out rate in black schools.

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We have re-segregated our public schools again and if you don't watch out, the clock will turn back on you. It will because history will repeat itself and that is why we have to learn these serious lessons. Senator Rand, I want to thank you for bringing this forth and I hope that all of you will continue to lift this State up and do the things that make all of us first-class citizens. I ask that you support this resolution. Thank you."

Senator Graham:

"First I would like to take the opportunity to thank the sponsor of the resolution for the spirit in which he brought this resolution to the floor of the State Senate. I clearly understand the significance of what we are about to do here today and in some cases the historic precedence that we are setting here today. It takes a mighty big man and it takes a mighty great institution to have the fortitude to take a look at yourself in the mirror and to critique what it sees, the good, the bad, and the ugly. Sometimes going back in time and saying, 'Yes, we made a mistake and we are sorry for it,' is the appropriate thing to do. I, too, am a history major and a political science buff and sometimes I wonder, while flying from New York, what the Wright Brothers would think about air travel today, starting with trying to fly and now we are flying all over the Country or what the Ford Brothers would think about the BMWs and the Mercedes and the interstate travel on the highways. As we sit here to debate this resolution, I wonder what those individuals who lived in the 17th, 18th and 19th centuries, who suffered slavery and humiliation and degradation would feel listening to this debate today. Certainly, they would be in the upper chambers. They wouldn't be allowed to sit on the floor. Now perhaps there will be some folks who will be so bitter, so hurt and so ashamed that they can't accept this apology. There will probably be others who, with a strong belief in God and faith can see the progress that the State has made over 200 years, will find it in their hearts to accept it and to move on and to try to work together as one Nation, one State and one human being, to work toward better race relations across our State, across our Country. I say, and I'm not in a position to accept or reject an apology. I will vote for the resolution. I ask a question, 'Where do we go from here?' Certainly, the State of North Carolina has made tremendous progress in race relations. We have put our resources where our mouth is but in talking to friends about this about a month ago when I heard what Virginia did and we were at a dinner party, there were about four couples sitting around the table, and we were saying, 'Okay, what does it mean that Virginia did this or what does it mean that Georgia did this? What is the significance today?' And the consensus around the table was those five words that we always use when we sort of accept what is being said, but there is some doubt. Actions speak louder than words. So the people of North Carolina from Charlotte to Greensboro to Raleigh and all over the State will be watching the actions of this Senate and the actions of this General Assembly in terms of where do we go from here. How do we right the wrong in the manner that makes sure that as our State grows and as we prosper we cannot grow and prosper unless everyone

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goes along for the ride. We are only as strong as a State as our weakest link. So we continue to do what we always have done as a State. We have to invest in our historically black colleges and universities. These were the institutions that were there when Chapel Hill said no, not because we were not qualified, but because of the color of our skin. So we have to make sure that Winston-Salem State and North Carolina Central and Fayetteville State and Elizabeth City State get the resources that they need. We have to make sure that those who invest in our State ... by the taxes that we pay into it, get a return on their investment by having the opportunity to compete fairly and equally for procurement opportunities. We have to make sure that when we hire folks we look for the best and brightest no matter what race they are. As I look across the Senate and see the pictures on the wall and I see former Governor Dudley and Mr. Bagley who served in the Spanish-American War right there, we honor those from our past who, despite slavery, who despite Jim Crow Laws, helped build a better North Carolina. We honor their memory by honoring them with a portrait on the walls. Our actions will speak louder than our words. We have a tremendous opportunity. North Carolina is a progressive State, far better than others because we don't wait for a crisis to occur, we act before it happens and I am confident that through the leadership of this Body, the men and women who serve here today who are progressive in their thinking, that we can find the ways to work to right the wrong. We still have a long way to go. I am forty-four years old and forty-four years ago there were still Jim Crow Laws on the book that we sanctioned. Families are still split up trying to catch up. We have an obligation to, as I said with those five words, put actions into place, moving forward as a State. North Carolina sends a clear message today penning our names to the roll of those who say I am sorry for what we have done. We can send a clearer message by saying look at what we are doing now, how we will work to address the wrongs. We thought we have been doing it for years and years. Let's see if we can do it better. Thank you, Madame President."

Senator Dorsett:

"Thank you very much. I, too, want to thank Senator Rand for sponsoring this resolution and also to all of those who signed on as co-sponsors. I didn't grow up in North Carolina, but I did grow up in the South and so the experiences of black Americans were the same wherever you were in the South. I was listening to the history as the resolution was read and I think that for many of us in this Chamber, it was a reminder for some of us and sometimes for us it was the first time we had heard this and so it was a lesson in history. I think the apology is quite appropriate because I think that after an apology the healing process can begin and I hope that is where we are. There are things that still need to be done in North Carolina. All is not well, as many of you know. I could go to my own community and some of us in our communities would like to think that things are wonderful, but that is just the surface. When you look under there, we have serious problems throughout our communities with human relations and race relations and so I hope that this is a wakeup call to say that we

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acknowledge what has happened and we know right now that everything is not well but we are willing to begin to talk to each and have an open dialogue to make our State a better State for all of the citizens of North Carolina. I hope you will support this resolution. Thank you.”

Senator Purcell:

“Ladies and gentlemen of the Senate, I am one of the older members of this group. I know Harris Blake is older than I am and Charlie Dannelly won’t reveal his age so I don’t know about him. But I grew up back during the 30s and 40s and I must confess to you that my grandfather was a slave owner. He died many years before I was born but he had a large plantation and a lot of slaves. I’ve always had trouble dealing with that. I appreciate this resolution because it does bring some reconciliation to me. I saw back during the 30s and 40s the injustice that was done to black people in my community. The tenant farmers who were given a little bit of money during the year and then at the end of the year was supposed to get their share and the farmer would say that there is nothing left over so you don’t get anything and they would start back over again and I have trouble dealing with that. I saw the company store in our community where the black people who worked on the farm were given script instead of money and they would bring the script into the store and I worked in that store and never did this, but what they would do if they didn’t have the right change they would just keep it and they would get no change when they paid for the groceries on the weekends. I had trouble dealing with that. I saw over and over and I have heard many stories since I have been in the Senate from people that I respect, where the schools for the blacks got the used or second-hand books from the white schools and they usually took the torn and battered books and that is what they got. Their facilities were never quite equal to what we had. I have great pride in the leadership of some black leaders who came into southern communities and formed schools for black children. If they had not done that, and I’m thinking about the Laurinburg Institute, there would never have been a place for black children to go to school. I think that this resolution does not solve our problems. I think that we need to continue to be aware of the racial inequalities and racial injustices in our community and we need to continue to work at that but I do commend this resolution to you.”

Senator Albertson:

“Members of the Senate I, too, want to express my appreciation to Senator Rand for bringing this to us. We know we can learn a lot from history by looking back and looking back, this was not a good time in the life of our Nation, was it? It was not a good time in the life of the church and I have often asked myself, ‘Where would I have been at this time?’ The truth is I probably would have gone along to get along. But we can learn from that in looking at ourselves today in our society. I love our Constitution as I get older as I look at those words that talk about life and liberty and justice and the pursuit of happiness and I am convinced today that we have too many divisions among our people. You know what those divisions are. Just look around you between

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Republicans and Democrats, whites and blacks, Hispanics, gays and straight, and the list goes on and on. We passed legislation, I believe a couple of years ago Madame President, that requires our school children to recite the Pledge of Allegiance everyday. We need to remember what we have asked our young people to do in school and remember those great words in the pledge of life and liberty and what it means. We are a strong Nation when we are united as a people. The good Lord made everyone of us and all of us are different, but he loves each one of us and I believe he would have us love each other the very best way that we can. So let us learn from this time in history. Let us be better men and women as we who have been elected to serve these people work together to make this State a better place for all of our people.”

Senator Bingham:

“I offer a different perspective on this resolution. Senator Rand, I certainly appreciate your taking the initiative to bring this resolution before us. In looking at some of my family history as Senator Purcell did, my great-grandfather, L.G.B. Bingham, did not have or own any slaves. Not only did he not own any slaves, he refused to be a part of that and ended up serving four years in the salt mines in Wilmington. This was a very horrible time in history. Four of his children died because of the hardship that was placed on his wife to manage the farm. This was in rural Randolph County. I have seen some of the letters that were written, as I’m sure all of you have, from family members and the horrible times that occurred and later he served in the House in the Legislature in North Carolina, which I’m very pleased that he did. He served one term in the House and, of course, I can sympathize with the reasons and now being here I appreciate the fact that he did that. So, there are many others, not only my great-grandfather and his name was, Lorenzo Greenbury Barnam Bingham, L.G.B. He is buried in a small church in rural Randolph County, Canaan Church, and after the Civil War and serving in the Legislature, he came home and started a buggy factory, Bingham Buggies, and they were sold all over the piedmont of North Carolina. So I rise to say that there are many members, many folks throughout North Carolina that did not own slaves and accepted a lot of grief and I’m sure several of your relatives, as well, probably participated and felt the same way. I rise to speak in tribute to him because I know he suffered a lifetime of scorn and other things because of the nature of the times and I urge you to support this resolution. Thank you, Madame President.”

Senator Jacumin:

“I can relate to the resolution. You know in any conflict or wrong doing, you never have a closure until there is an apology or reconciliation occurs. In 1686, the Duke of Savoy ordered our religion, a religion that many of us practice today, abolished. Any practice of that religion must be punishable by death. Troops massacred, raped, and pillaged our villages, burned our villages, 8000 people were imprisoned. Within six months the treatment was so horrendous that 4000 people had died. The pressure in Europe surmounted to the extent that the King was forced to release our people but instead of releasing them, he sold

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part of that 4000 into slavery to man the oars of ships and he exiled the balance of them. For hundreds of years, there was no reconciliation. There was no closure to it. But some years back, the Catholic Church did apologize for that, did offer reconciliation and, as a result of that, today our two groups are together building children's homes, working in hospitals together and I just know that the end result of this resolution is going to bring about that same kind of thing. You see, when we have an argument with another individual and an apology occurs between those two, there is a closeness that increases even prior to that argument. I just believe that is what is going to happen with this resolution today and I commend it to you and I just look forward to what great things can happen from it. Thank you."

Senator Berger of Franklin:

"I appreciate that Senator Rand has given us this opportunity for this apology. The introduction of this bill has certainly brought out some ugliness. I'm sure many of you have received some emails as I have that have raised objections to this apology. I had an opportunity last night to go to the web and read comments with regard to the story that the media had put on the web concerning the introduction of this bill and had an opportunity to read those comments and they were very ugly comments coming from certain folks. The central question from many folks that were critical of this bill have raised and I want to have an opportunity to try to answer it here on the floor and the question is, 'Why are we doing this apology? Why are we doing this now? I didn't have anything to do with slavery. It is not my responsibility. It's not my problem.' I want to answer that question. We had the institution of slavery in this Country and it led to a Civil War. But the mistreatment of African-Americans did not end when the Civil War was over. We went through a period of reconstruction in which African-Americans were promised by this Nation that they would receive forty acres and a mule to give them a start and to give them the opportunity to be economically self-sufficient. After all, that was the opportunity given to our forefathers when they were given the opportunity to have land here in America that they could then eventually pass down by generation. But you had a whole class of citizens that upon being granted their freedom were not given the economic means to be self-sufficient. That problem was then compounded by the rise of Jim Crow Laws which led to official segregation of the races and when you bring it up to the modern times and the Civil Rights Movement in which we saw the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Open Housing Bill of 1968, we still could see and we still experience the vestiges and impact of slavery. I, myself, as a young freshman at Chapel Hill, had an opportunity to go back home and work in my community. In 1979 and the very year that the Supreme Court said that the Nation was going too far and made it so we could not have set-asides in our public institutions to redress the affects of slavery, in my own home community I worked in a company in which we were told that if an African-American applied for a job, we were expected to write a 'B' on that application and if a Caucasian person applied for a job we were expected to write a 'W' and the purpose was so that

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the management would know who not to call back and this was 1979. When we look at where we are today and we see that African-Americans disproportionately suffer from infant mortality rates, disproportionately suffer from social ills such as HIV, disproportionately are unsuccessful in schools and end up in prison, these are all of the effects of slavery and, as Senator Graham says, the real challenge here is we need this apology, but what is it we are going to do next and I think that we have to fulfill the promises that we have been working on in this Legislature to rectify those ills and that is the challenge that remains to all of us and that is why we are here today apologizing for slavery because we are still feeling the affects of it and we still have the challenge to overcome those affects. Thank you.”

Senator Goodall:

“I support the resolution and want to follow Senator Berger’s comments about the emotional part of this issue because it has disturbed me, too. I support the resolution but I, too, have received those emails and I want to address that a little bit and try to explain it as best as I know how. Dr. Lyndon Abrams is a professor who teaches multiculturalism at UNCC where my wife is in graduate school and he talks about white people wearing an invisible veil. He talks about our whiteness being invisible to us, whereas with African-Americans, their blackness is more important and more of a part of their daily life. I think we all understand the logic behind that. That is why I think that I, as a white person, have what psychologists would say and what he says is cognitive dissidence. Rationally, I can’t think of a reason why I would personally apologize for something, Senator Berger, that happened that long ago, but I know it’s the right thing to do. But I think people are having that discord and I kind of understand that. I think that this is certainly fitting and the positive thing to do and this bill also talks about what you referred to, Senator Graham, and that is what we do today and tomorrow, treating all persons with abiding respect for their humanity and promoting racial reconciliation in Sections 2 and 3 of the resolution. That is the part that we should get behind and pay attention to and I certainly support this resolution and encourage everyone to vote for it.”

Senator Foriest:

“I was really hesitant to get up, Madame President, because when I think of this issue, it brings up so much emotion. Sometimes I feel that I’ll let other people talk for me, but hearing some of my colleagues get up it just makes me realize that I need to get up and say something not only for myself and for my family, but certainly for my community and I understand some of the issues that people are bringing up and I’ve heard them all of my life, like when people say things like, ‘I didn’t do this or my family didn’t do it so why should I be in a situation where I have to respond or apologize.’ But I think we all need to understand that what we are talking about is State-sponsored discrimination. We are not talking about just morality with individuals, we are talking about a situation where the State itself went out of its way to deny a people the right to life and liberty and the pursuit of happiness and as bad as it is for people to act a

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certain way individually but for the State to use all of its power to do that, somebody has to take responsibility for it and that responsibility belongs to each and everyone of us. I also want to thank Senator Rand for stepping forward and doing this. I approached him a few weeks ago and asked him about it. I had read something in the paper about Virginia and his comment to me was that we are going to take care of it. I didn't bring it up to him again and he approached me later on and wanted to show me some things and my point is I really appreciate people accepting that kind of challenge because it does take a lot to look into the mirror and to admit to yourself and to those who will listen that we have made a mistake. We need to do something to right those wrongs and I very much appreciate that and I can speak first-hand as to what racism can do to you. I remember growing up and my father would take us on vacation. We would have to plan the vacation around where we would be able to stop to stay the night and when you read the Constitution and you read all of the things that we stand for and what this Country means, you would think that something like that couldn't happen, but it has happened and it is happening and I agree with some of my colleagues who were saying that this is just the first step. We still have a lot of work to do. We have to move forward and it is more than just these words on a resolution. We have to put our actions where our words are. There is a lot that can be done. I read from time-to-time something from Martin Luther King, a letter from a Birmingham jail and in that letter he explains particularly to the clergy what we are doing with the Civil Rights Movement and why we are doing it and he talks about his disappointment in the people that supposedly believe in the same God that he believes in and they didn't say anything. They just kind of let things happen. They didn't take a stand. I think that we are beyond that point now. We all have an obligation to take a stand when we see some things that aren't right. We have an obligation to examine ourselves and we don't always do that. Martin Luther King said in that letter as he apologized in the end for taking so long that this is the longest letter I have ever written, but I guess when you are in a situation where you are in a jail cell and there is no one else to talk to and nothing else to do, you can find the time. And maybe we need to sit back and reflect on where we are and where we are going. We get so caught up in the things that we are doing on a day-to-day basis that we don't really reflect on the things that really matter. So maybe we ought to take some time and just understand what it is that we have an obligation to do and as men and as members of this General Assembly, we can do a lot to change things. This State is looking to us for that leadership and the question is are we going to step up to that challenge or we are going to go back to what we have done before. Madame President, I certainly recommend that we go forward with this resolution."

Senator Dannelly:

"I really don't know where to start. First of all, let me thank all of my colleagues who have spoken so eloquently on this resolution. I guess I'll start by saying my middle name is the last name of the owners of my ancestors. I have heard some stories, Senator Purcell talked a little about this, and I have

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seen some stories and I guess I'm closer to the days of slavery than anyone in this Chamber. Since I have been here, I have seen the General Assembly sort of balk at the suggestion made by the Legislative Black Caucus prior to the big bond issue that we ran several years ago of the fact that each member would have gone out across the State and urged people to vote against the bond if we didn't make a bonafide effort to help catch up historically black colleges and universities in this State because of a lack of funding that North Carolina Central was falling down. After that, the General Assembly started to realize that we had to do more to try to come closer to equalizing things. I want to caution you that within the last year and a half I've seen the ugly head of hatred rise up and when that happens we have a tendency to lump a group of people into the same statement. I've heard too many people lately lump our Latino citizens along with those that are supposedly here illegally. We have to be careful about that. But I got up to say to this Body that sure everything on this resolution happened and more, but Section 1, Section 2, and especially Section 3 are the meat of the entire resolution, particularly Section 3. If we do that, things will move forward. I urge you to support this resolution."

Senator Brock:

"You know to study history you must dig and dig deep and report what you find no matter how ugly it is. And it was tough for a lot of us and lot of people who wrote those letters that had it wrong on either side of the issue many years ago with slavery. My own great-great-great-grandfather died in a Union prison after he was captured one month to go before the end of the war. We lost our home and lost our farm. But you know the damage that was done to the black citizens of our State, no one can deny and reading through this you must uncover history and tell what happened. So many times in our history books, we don't learn all that there is to know about North Carolina's history because not all of it is glorious. It wasn't until college, and this is where it would go in the resolution on page 2 between line 19 and 20, that I learned about the Wilmington Race Riot where the Democrat Party, to get leadership and power again, lynched black citizens and ran out Republicans and Fusionists and when they had gotten that power, the Jim Crow Laws were passed and you know you can say that my family maybe held some resentment for the land and the life that was taken away from them. But you know, it was those practices themselves in us being devout Methodists and taking the lessons that we learned on Sunday and to practice them everyday of the week and my family joined the minority of the Republican Party because they believed that we should be equal to all, white or black, men or women and that we all have that right to vote. You know I wish, also, in the resolution and of course it would be so many volumes, probably as thick as the statutes that we have, but include some of the things that North Carolina did give to the movement to end slavery. Davie County's native, Hinton Rowan Helper, wrote the book *Impending Crisis in the South*. That book became the primer for the anti-slavery movement which born the Republican Party and led to the election of Abraham Lincoln. I've studied leadership and I found what it felt like to be on the other side and Lincoln would say as they

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asked him why he was against slavery and he said that he wouldn't want to be a slave and I think we all feel that. But for the State to apologize is a small step. In a study last year for the Wilmington Race Riots and you could put political riots in there as well because the Fusionist Party at the time was an interesting mix and for those of us that have worked across political bounds before, it is a great mix when you do get people of different parties together to work on issues. But then again, when I read this, I did have some intentions of voting against this resolution because history was not described with accurate and true meaning. Nothing was said of the power structure and of how it changed in that time but, again, I've said that if we did it would be many, many pages long. But Senator Dannelly put it best. Almost the first two pages of this don't go deep enough and far enough. But the true meaning of this resolution is in the sections at the end and those sections are something that we should all take to heart each and every day because we, in the State, make decisions up here and they are not always right. We won't see a resolution to apologize for the intangibles tax but that was something that was held that wasn't right. But, also, I look about the State apologizing for allowing actions that do not respect aspects of humanity and I saw that and it took me to heart. That is one reason why I believe that we should work hard on many more issues outside of race, especially to try to protect the rights of those children that are unborn and to protect all of humanity no matter their station in life, their color, their sex, or their age."

Senator Berger of Rockingham:

"Members of the Senate, I rise in support of the resolution and I, like many others, thank Senator Rand for bringing this forward. You know one of the first things I thought about when I looked at the resolution and I read through it and one of the questions I had and one of the regrets that I have about the resolution is that we don't have Senator Horton here to guide us. But I think what Senator Horton would tell us is that it is important, most important, for us to remember what happened. All too often nowadays what we see is an effort to airbrush the inconvenient facts out of our history. One of the stories that I heard and, I assume it is true, I have not been to the memorial, was that at the Franklin Roosevelt Memorial, there is a famous picture of him where he is sitting in his wheelchair and he has a cigarette in his hand and there was an effort to airbrush the cigarette out of his hand because it wasn't convenient to think about the fact that somebody smoked. I think that this resolution helps us to focus on an unpleasant part of our history. But it is a part of our history, nonetheless, and it is something that we need to think about and something that we need to understand probably better than most of us do at the present time. As I understand the resolution, what it does is it acknowledges mistakes on the part of the government of the State of North Carolina. I think that we would all agree that mistakes have been made. Mistakes continue to be made, but it is important for us to understand what they were. I think the resolution also helps us to focus on the fact that those mistakes are part of what we are today, like it or not. The experiences that we've had as a people lead us to where we are today, good, bad, and otherwise. But I think the other thing that the resolution

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calls upon us to do is to commit ourselves to return to those first principles of our government properly understood. Because you see, the idea that all men are created equal was in our Declaration of Independence but I don't think it was understood to apply to everybody until Abraham Lincoln in his Gettysburg Address brought that into focus. So I thank you again, Senator Rand, for the resolution. I certainly appreciate the comments that have been made by everyone up to this point and I commend this resolution to you."

Senator Basnight:

"Members of the Senate, I recall my first exposure to the extremes of peoples' opinions of other people because of their color. Coming back from a football game, I believe the game was in Greene County and I caught a ride back and I must have been out of high school or I would have been on the bus, so I must have been 18 or 19 years of age. I was in the car with my brother-in-law, Bobby Owens, and we stopped right outside of Jacksonville but this could have been any community in North Carolina at the time. There was a big rally in a big open field and we hadn't had anything to eat so we pulled in thinking that maybe we could find food and probably drink, as well. Bobby Owens was buying a pie and they were selling these baked goods and Bobby asked, and I was standing behind him and there were some other people with us, what was the purpose of the bake sale and the event that was occurring and the man said it was a fund raiser for the Ku Klux Klan. Bobby bought the pie and proceeded to throw the pie in the man's face and that caused quite a ruckus and we got the bad end of that pie-throwing event that Bobby participated in, but I couldn't have been prouder of Bobby and our little carload of people from Manteo because we hadn't seen that kind of public exposure. In reality, we all shared in it and we all knew it occurred in our community as well as your community and we knew it was there. But the public rejection that evening has stayed with me all through my life. To have seen people stolen from to the level that our government allowed to occur from our very beginnings, to take a people and place them in bondage, separate their families and to sell them to other plantations or to other people, to destroy the very opportunity that we all spoke of in the Preamble to the Declaration of Independence, to say that in print and then to disallow it, such as we do today to some extent, goes beyond any of the passages of our life that we read about in our Bible that guides us today, each and everyone of us in different ways or any Holy Book that we may read. To find that it could occur in our State and in our community has escaped my comprehension. My ability to understand is pretty limited at times but to look at a person and make a decision based on his color is something that we all should have rejected in our families that came before us. How it ever occurred is very confusing. Yet, we pick up a paper today and we read that it still occurs in the world. It still happens that you can go to Thailand and you can buy people that are held in bondage and they are slaves. And there are certain countries that still traffic in that trade but it does sadden me and I apologize to all people of color that if my family participated in it, I am sorry. And I am sorry that it ever occurred."

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The joint resolution passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

CALENDAR *(continued)*

S.B. 748, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXTEND THE RESTRICTION ON THE ISSUING OF LICENSES FOR HOME CARE AGENCIES BY ONE YEAR.

Without objection, Senator Brunstetter requests to be excused from voting on the bill due to a conflict of interest.

The Chair grants a leave of absence for the remainder of today's session to Senator Soles.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 836 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE FOOD STAMP PROGRAM TO REFLECT THE USE OF ELECTRONIC BENEFIT TRANSFER CARDS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 10.

S.B. 872 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE THALIAN ASSOCIATION AT WILMINGTON, NORTH CAROLINA, AS THE OFFICIAL COMMUNITY THEATER OF NORTH CAROLINA.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 10.

S.B. 884, 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 bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 10.

S.B. 658, A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA FOR THE ASSESSMENT OF BANKS AND STATE TRUST COMPANIES.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 10.

S.J.R. 866, A JOINT RESOLUTION SETTING THE DATE FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ELECT

MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

The joint resolution passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 470, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AGE OF PERSONS RECEIVING AN EIGHT-YEAR DRIVERS LICENSE, referred to the **Judiciary I Committee** on March 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Judiciary II Committee**.

CALENDAR *(continued)*

H.B. 1012 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE COMMISSION ON STATE PROPERTY AND TO TERMINATE ITS CONTRACT.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Berger of Franklin to the **Select Committee on Government and Election Reform**.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Friday, April 6, at 9:00 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 63, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM PROPERTY TAX REAL AND PERSONAL PROPERTY THAT IS SUBJECT TO A CAPITAL LEASE WITH A LOCAL SCHOOL ADMINISTRATIVE UNIT.

Referred to the **Finance Committee**.

H.B. 140, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY STRATEGIES FOR MODIFYING PRINCIPAL AND ASSISTANT PRINCIPAL COMPENSATION SO AS TO

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ENHANCE RECRUITMENT AND RETENTION EFFORTS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 291, A BILL TO BE ENTITLED AN ACT PROVIDING FOR HOW THE STATE TREASURER SHALL ADDRESS CERTAIN STATE INVESTMENTS RELATING TO SUDAN.

Referred to the **Finance Committee**.

H.B. 359 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF EDUCATIONAL PURPOSE IN THE SCHOOL CALENDAR LAW TO PROVIDE FOR THREE SYSTEMWIDE WAIVERS: (I) TO ALIGN THE CALENDAR WITH THAT OF A COMMUNITY COLLEGE OR UNIVERSITY IN THE GEOGRAPHIC AREA, (II) TO ADJUST THE EXAMINATION SCHEDULE TO BENEFIT STUDENTS OR TO ACCOMMODATE ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE EXAMINATIONS, AND (III) TO ACCOMMODATE IMPLEMENTATION OF BLOCK SCHEDULES; AND TO ALLOW ANY WAIVERS GRANTED BY THE STATE BOARD OF EDUCATION FOR AN EDUCATIONAL PURPOSE TO BE EFFECTIVE SO LONG AS THE EDUCATIONAL PURPOSE EXISTS.

Referred to the **Education/Public Instruction Committee**.

H.B. 536, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT NEW STANDARDS FOR SCHOOL ADMINISTRATOR PREPARATION PROGRAMS.

Referred to the **Education/Public Instruction Committee**.

H.B. 552, A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FOR PERSONS SERVING ON LOCAL BOARDS OF TRUSTEES OF THE FIREMEN'S RELIEF FUND OF NORTH CAROLINA.

Referred to the **Judiciary I Committee**.

H.B. 584, A BILL TO BE ENTITLED AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES.

Referred to the **Information Technology Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 1:44 P.M.

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FORTY-THIRD DAY

Senate Chamber
Friday, April 6, 2007

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 beseech thee graciously to behold this thy family, for which our Lord Jesus Christ was contented to be betrayed, and given up into the hands of wicked men, and to suffer death upon the cross; who now liveth and reigneth with thee and the Holy Ghost ever, one God, world without end. Amen."

Senator Stevens announces that the Journal of Thursday, April 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Upon motion of Senator Cowell, seconded by Senator Stevens, the Senate adjourns at 9:05 A.M. to meet Tuesday, April 10, at 3:00 P.M.

FORTY-FOURTH DAY

Senate Chamber
Tuesday, April 10, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father, the passage of the Senate's bill apologizing for slavery in North Carolina and the radio talk show host's racially inflammatory remarks about the Rutgers' women's basketball team are certainly on opposite ends of the reconciliation spectrum. Yet, strangely both stir within us the same festering wounds, wounds of guilt, anger, denial, and resentment. If more of us would take to heart Paul's words in Galatians, 'There is neither Jew nor Greek, there is

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neither slave nor free, male or female,' and then live up to that scripture with contrition, compassion and forgiveness, we might actually capture the imagination of the rest of a divided world. So though vitally necessary to right injustices, we can't rely on laws to change our hearts and our minds and the very healing of our souls. Only you can do that and only then will we be at peace with one another. Amen."

The Chair grants leaves of absence for today to Senator Apodaca, Senator Bingham, Senator Blake, Senator Cowell and Senator Garrou.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, April 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Kristen Broom from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1012, AN ACT TO ABOLISH THE COMMISSION ON STATE PROPERTY AND TO TERMINATE ITS CONTRACT.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 1531, AN ACT TO APPOINT JERRY BLACKMON TO THE STATE ETHICS COMMISSION UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

H.B. 571, AN ACT TO PERMIT THE TAKING OF FOXES AND COYOTES BY TRAPPING IN CUMBERLAND, HARNETT, AND MOORE COUNTIES.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1196 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 17.

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WITHDRAWAL FROM COMMITTEE

S.B. 1306, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO PROVIDE COURT-FUNDED INTERPRETERS TO ACCOMMODATE NON-ENGLISH SPEAKING PERSONS, referred to the **Judiciary I Committee** on March 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 125 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL AN INSTRUMENT THAT CAN BE USED TO VAPORIZE OR INTRODUCE ETHYL ALCOHOL INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 1026, A BILL TO BE ENTITLED AN ACT TO CORRECT A PROCEDURAL TECHNICAL ERROR IN THE REQUIREMENT THAT AN APPLICANT PRESENT A VISA OF LIMITED DURATION FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND TO CORRECT AN APPARENT ERROR IN THE EXPIRATION DATE FOR DRIVERS LICENSES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

S.B. 543, A BILL TO BE ENTITLED AN ACT MODIFYING THE PUBLIC RECORDS LAWS APPLICABLE TO THE UNIVERSITY OF NORTH CAROLINA, TO PROTECT THE PRIVACY OF APPLICANTS WHO ARE NOT ADMITTED OR WHO DO NOT ENROLL, AND TO PROVIDE THAT CERTAIN AUDIT RECORDS ARE PUBLIC DOCUMENTS, 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 55416, which changes the title to read **S.B. 543** (Committee Substitute), A BILL TO BE ENTITLED AN ACT MODIFYING THE PUBLIC RECORDS LAWS APPLICABLE TO THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGES, TO PROTECT THE PRIVACY OF APPLICANTS WHO ARE NOT ADMITTED OR WHO DO NOT ENROLL, AND TO PROVIDE THAT CERTAIN AUDIT RECORDS ARE PUBLIC DOCUMENTS, is adopted and engrossed.

S.B. 777, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR VIOLATING CERTAIN LAWS REGULATING CERTIFIED PUBLIC ACCOUNTANTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35356, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

S.B. 1086, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS BY ANY PERSON IN PUBLIC SCHOOL BUILDINGS AND SCHOOL FACILITIES, ON THE PUBLIC SCHOOL CAMPUS, AND IN OR ON OTHER SCHOOL PROPERTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15067, which changes the title to read **S.B. 1086** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN SCHOOL BUILDINGS, IN SCHOOL FACILITIES, ON SCHOOL CAMPUSES, OR AT SCHOOL-RELATED OR SCHOOL-SPONSORED EVENTS, AND IN OR ON OTHER SCHOOL PROPERTY, is adopted and engrossed.

By Senator East for the **State & Local Government Committee**:

S.B. 116, A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED FOUR-YEAR TERMS FOR THE ELLENBORO TOWN COUNCIL, AND A FOUR-YEAR TERM FOR MAYOR, with a favorable report.

S.B. 559, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CARY AND WAKE FOREST TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THEIR HISTORIC DISTRICTS, with a favorable report.

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S.B. 654, A BILL TO BE ENTITLED AN ACT AUTHORIZING RUTHERFORD COUNTY TO CONDUCT AN ADVISORY REFERENDUM ON A HIGH IMPACT LAND-USE ORDINANCE, with a favorable report.

S.B. 773, A BILL TO BE ENTITLED AN ACT TO RENAME HICKORY NUT GORGE STATE PARK AS CHIMNEY ROCK STATE PARK IN THE EVENT THE STATE ACQUIRES THE PRIVATELY-OWNED LAND IN WHICH CHIMNEY ROCK IS LOCATED THAT IS ADJACENT TO HICKORY NUT GORGE STATE PARK, with a favorable report.

CALENDAR (*continued*)

S.B. 658, A BILL TO BE ENTITLED AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA FOR THE ASSESSMENT OF BANKS AND STATE TRUST COMPANIES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 6 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR AN ORGANIZATIONAL SESSION FOLLOWED BY AN EXTENDED RECESS.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 576, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING BUSINESS ENTITIES TO MAKE VARIOUS CLARIFYING AND TECHNICAL CHANGES REGARDING MERGERS AND THE AUTHORITY OF BOARD COMMITTEES.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 836 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE FOOD STAMP PROGRAM TO REFLECT THE USE OF ELECTRONIC BENEFIT TRANSFER CARDS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 11.

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S.B. 872 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE THALIAN ASSOCIATION AT WILMINGTON, NORTH CAROLINA, AS THE OFFICIAL COMMUNITY THEATER OF NORTH CAROLINA.

The Committee Substitute bill passes its second (42-2) and third readings and is ordered sent to the House of Representatives.

S.B. 884, 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.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

CHANGES TO 2007 SENATE COMMITTEES

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces that Senator Allran is removed from the **Transportation Committee**.

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces that Senator Allran is appointed to the **Health Care Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 361, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO TEMPORARILY WAIVE THE ENFORCEMENT OF NO-WAKE ZONES UNDER SPECIAL CIRCUMSTANCES, with a favorable report.

S.B. 1246, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PLACEMENT OF PROCESSED FOODS IN AREAS FREQUENTED BY BLACK BEARS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35358, which changes the title to read **S.B. 1246** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PLACEMENT OF PROCESSED FOODS IN AREAS WHERE THE WILDLIFE RESOURCES COMMISSION HAS SET AN OPEN SEASON FOR TAKING BLACK BEARS, is adopted and engrossed.

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PERSONAL PRIVILEGE

Upon motion of Senator Goodall, Senator Weinstein's remarks on Yom Hashoah, Holocaust Remembrance Day, are spread upon the Journal, as follows:

Senator Weinstein:

“I hope all of you had a happy Easter Holiday and I had a very happy Passover. Last week I enjoyed very much the discussion that we had on the slavery situation that occurred in North Carolina. What I am rising to talk to you about is the Jewish Holiday, Yom Hashoah, which occurs this Sunday, April 15. It is probably a holiday that none of you have ever heard of. It is a holiday when we remember the Nazi Holocaust of the six million Jews and Catholics, gypsies, mentally ill or any person that opposed a dictatorial government. I would just like to take a few minutes to reflect on the meaning of this holiday and why it is so important over sixty years after Auschwitz was liberated and that we in the North Carolina Senate will take just a moment to remember those terrible events. About four years ago, my wife and I went to visit the Holocaust Museum in Washington, D.C. and I was moved incredibly by the experience. I expected to be taken back by the horror that I saw and I was. It is just incredible to really face what horrible things that human beings are capable of doing to one another. But what surprised me most was how I became obsessed by how the rest of the world could let this happen. Whenever I talk to someone of that generation, I ask them, ‘What were you thinking in the 1930s? How could you let something like this happen? How did the world let this build up and happen without stopping it before it reached such horror?’ And that is what I think is important for us today to remember that not only is it possible for humans to do these horrible things to each other that is going on in Darfur and all over the world today that people are doing to one another, but it is possible that we have a responsibility here to step forward and make sure that it doesn’t happen. In this Country, if we don’t step forward, it can happen. I’m very proud to live in the United States of America and I think we passed a bill that required our students to recite the Pledge of Allegiance and this is why I am so proud of being an America because at the end of the Pledge of Allegiance are these words, ‘With liberty and justice for all.’ Not just a particular group of people, but with liberty and justice for all. I brought today an illustration to show what happens when Democracy fails and a Totalitarian Government takes over. I have brought with me today the stamps that were issued by the German Government from 1940 to 1943 on the Occupation of Poland and you will see in these stamps how a culture is destroyed. Thank you for giving me this moment of privilege.”

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

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Laura Brenner, Pinehurst; Stacy Caroway, Jr., Garner; Candace Carter, Laurinburg; Allison Croft, Thomasville; Sarah Dinkins, Mocksville; Franciska Elliott, Durham; Fredaricka Elliott, Durham; Ellen Elmore, Goldsboro; Elsbeth Grant, Chapel Hill; Hope Hemby, Clayton; Danya Holtzman, Durham; Meghan Maness, Cramerton; Victoria Morrow, Laurinburg; Tiffany Owens, Durham; Cody Riffle, Murphy; Sherie Royster, Durham; Ashley Tinney, Fayetteville; Jenna Wadsworth, Selma; Katherine Wadsworth, Selma; Connolly Walker, Morehead City; Brea Wilkerson, Durham; Chelsea Zurl, Wake Forest and Hayden Zurl, Wake Forest.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 133 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE USE OF ALL-TERRAIN VEHICLES FOR BEACH DRIVING FROM THE REQUIREMENTS OF ALL-TERRAIN VEHICLE REGULATION.

Referred to the **Transportation Committee**.

H.B. 401, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY WATER AND SEWER DISTRICTS TO ENGAGE IN INSTALLMENT PURCHASE FINANCING.

Referred to the **Finance Committee**.

H.B. 578, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GREENSBORO.

Referred to the **Finance Committee**.

H.B. 589, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE POULTRY PRODUCTS INSPECTION ACT.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 635, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE RANDOLPH COUNTY BOARD OF COMMISSIONERS TO OBTAIN CERTIFIED AUDITS OF VOLUNTEER FIRE DEPARTMENTS THAT RECEIVE AD VALOREM TAXES.

Referred to the **State & Local Government Committee**.

H.B. 827, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CARY AND WAKE FOREST TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THEIR HISTORIC DISTRICTS.

Referred to the **State & Local Government Committee**.

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H.B. 1141, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF GRANITE QUARRY TO ALLOW THE TOWN TO OPERATE UNDER THE COUNCIL-MANAGER FORM OF GOVERNMENT.

Referred to the **State & Local Government Committee**.

The Chair grants a leave of absence for the remainder of today's session to Senator Graham.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 523, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RUTH MOSS EASTERLING, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for immediate consideration.

Upon motion of Senator Forrester, the remarks of the members are spread upon the Journal, as follows:

Senator Dannelly:

“Thank you, Madame President and ladies and gentlemen of the Senate. First of all, let me thank you for your patience. I don’t know when I met Ruth Easterling. I used to see her name in the paper when she would do or say certain things on the Charlotte City Council. In my life she sort of disappeared and when she disappeared she ended up here in the General Assembly. But if you read the resolution and the little write-up on her that I passed out to you, she never disappeared. Even today the work that she has done has not and will not disappear. Ruth was small in stature but she was very active, always smiling, pleasant and a strong advocate for children and for the rights of women. I found out things about Ruth through Representative Beverly Earle. They were pretty close. Beverly found out that Ruth needed a little help later on in going to receptions in the evenings so she offered to drive her. Eventually that became the thing, not only here in Raleigh, but at times in Charlotte. They had a little thing going and I’m sure all of you have heard it. I would ask Beverly, ‘Beverly, where are you going?’ Beverly would say, ‘Oh, I have to drive Miss Daisy to a reception.’ They both had a good time about driving Miss Daisy. Ruth had a great sense of humor. I have never heard anybody talk trash about us men in such a pleasant and funny way. But she had that knack. She could talk trash about us and Ruth made fun of herself. We will miss Ruth. There are many things that I could say about Ruth and her work up here, but it is in the resolution. Not only that, but several of you in this Chamber served with her and I know you know her work well. The most recent ones were Senator Shaw, Senator Nesbitt, and Senator Preston, who served with her and I’m sure there are

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several others. So I say to you, without taking too much of your time, please support this resolution for a very hard-working servant of the people. Thank you.”

Senator Clodfelter:

“Thank you, Madame President. For each one of us in our own individual ways our lives are one of the stories of the times in which we live. For Ruth Easterling, her life was the story of the times in which she lived. I don’t know anyone that I’ve known in my adult life who saw more change during the course of their single lifetime than did Ruth Easterling and I think to the end her spirit of optimism, her belief in possibility and her boundless energy reflected that long transition she had seen from the world of her youth when she was a young woman growing up in the South. She went through all of the changes for the better, all of the changes and improvements in the lives of women and the lives of people, in the lives of her native State, her home. How could you live such a long and productive life without being an optimist? It is really presumptuous for me to stand up here and talk to you about Ruth Easterling. Many of you knew her far better than I did and it is very humbling to speak about someone whose life has already been made into a televised documentary. What can you say to add to that? So what I’m going to do here for just a moment is to read to you a tribute that was given at her funeral by someone who did know her well and, in fact, was a former member of this Body and my predecessor in representing the 37th Senatorial District. These were the words spoken as a tribute at her funeral by Leslie Winner. ‘The death of Ruth Easterling is a great loss to the people of Mecklenburg County, to the women and children of North Carolina and to me personally. She served the people of North Carolina as a Representative for virtually all of my adult life and was also a close personal friend. Like all of you, I mourn her loss, our loss. When I say Ruth served the people of North Carolina, I don’t use the term lightly. I first met Ruth in 1981 and it did not take me long to learn that she was willing to do everything that she could to improve the lives of regular people and by regular people, I mean children, daycare workers, families in crisis, school teachers, people without health insurance, your regular person who works hard for forty hours a week to support a family. It wasn’t lip service for Ruth. She was tireless, she was relentless, she was fearless, and she was affective. Although Ruth was raised in a time when the role of women was clearly diminutive, even as a young woman she had the idea that women should have minds of their own. After all, she had a mind of her own. In the early 1960s before it was fashionable, when she was President of the North Carolina Business and Professional Women she began to lobby Governor Terry Sanford to create the Commission on the Status of Women in North Carolina, which he did. She went on to be elected to the Charlotte City Council in 1972. She served as President of the newly formed North Carolina Women’s Political Caucus in 1974 and was elected to the North Carolina House in 1976 where she fought for women and children and families for twenty-six years. All the while, she nurtured and she mentored dozens of fortunate younger women such as myself. She never slowed down for over forty years and that’s

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what I mean by tireless. She has also been tireless in the more mundane sense of the word. I've seen her up at her microphone at 2:00 A.M. as her younger colleagues ... making sure an important bill was passed or a bad amendment was defeated. She just kept going like the energizer bunny. She was relentless. Ruth was relentless in her effort to assure that all children, no matter what race or economic status, grew up with the opportunity to live full and rich lives. For many years, she was Chair of the Child Fatality Task Force trying to make North Carolina a safer place for children to live. She was determined. I remember once saying to her, 'Ruth, we will never get that bill passed.' She responded to me, 'Well, we won't get it passed if we don't try.' Can't you just hear her standing there saying that? So she shamed me into trying. We worked together and we got the bill passed. She relentlessly fought for the State to establish Smart Start, a program to improve early childhood education and healthcare services. There were many opponents and it was not easy. But Ruth would not take no for an answer. She would not let it be watered down. She would not rest until funding was in the budget. Once Ruth Easterling found the right and fair path she did not care how unpopular it was or who opposed her view. She did not waiver. She was fearless. One of my fondest memories of Ruth Easterling is her arising on the House floor to her full height, which was by then somewhat less than five feet and telling the members of the House that they ought to be ashamed of themselves for what they were about to do. They may have done it anyway, but deep down they knew that they ought to be ashamed. Jack Betts noted in the *Charlotte Observer*, 'Her admirers have long known of her backbone in standing up to what is right and her commitment to equality and justice.' She was effective. People who fight for children and people without power are not always able to be effective in the North Carolina General Assembly. Because Ruth combined integrity and intelligence, conviction and common sense, she was able to live her convictions and also be effective. Her accomplishments are too numerous to list. Her early colleagues have noted that she got better with age. In 1999 at the age of 88, the Speaker named her Co-Chairman of the House Appropriations Committee. In 2000 at the age of 90, she was ranked by the North Carolina Center for Public Policy Research as one of the top ten most effective members of the House of Representatives. In losing Ruth Easterling, we are losing one of North Carolina's great leaders, one whom all of us, men and women alike, would do well to emulate. We are losing a role model and a second conscious and a dear friend. The people of North Carolina will miss you, Ruth, and I especially will miss you.'"

Senator Preston:

"It was indeed a pleasure for me to serve with Ruth Easterling for ten years. Some of the things that I remember about Ruth, she was very instrumental and always carried the bills for the North Carolina Children's Fatality Task Force. She was quite and humble but she, in her really kind and sweet way, could really chastise those of us who were even considering not voting for the bills that were important for children's safety. I can remember so well that she was one of the first you would see early in the morning, the last you would see late at night and

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when she came briskly walking down the halls with those heels clicking, you knew that she was still very interested in what was going on. She was truly a wonderful role model for me and for many women and you can see by reading this resolution the many awards that she won. Just two years ago when I spoke in Pamlico County at a domestic violence vigilance, she had just died and I used her to remind the people of all the hard work she had done for women and for children. Senator Rand, I think it was about two or three years ago that you and I were honored by the North Carolina Covenant for North Carolina's Children with a Legislative Award for our service to children and what an honor it was for me because that award is named in honor of Ruth Easterling. So I appreciate the opportunity to speak on this resolution and certainly would urge you to vote for it. Thank you very much."

Senator Nesbitt:

"Thank you, Madame President. For those of you who never served with Ruth, I was trying to think of the best way to describe her and we all talk about and know about the 'Greatest Generation.' Usually when we use that term we are thinking about the male side of it because of war and the fact that they were more prominent public servants during our lifetime, but I think if you could sum Ruth up in anyway it would be that she was very much a member of the 'Greatest Generation', the generation of people that did the right things for the right reasons and wanted this world to be a better place for the next generation than it was for the last. If you can imagine someone that could stand up on the floor of the House and chastise everybody in there for talking while she was trying to listen, you'll get some flavor for the presence that she had in that General Assembly. She would do that and when she did it really all of us would hush. She was very much an advocate for women and children and I think some of the times I enjoyed her the most were when we would get into debates on issues that affected women and children and all the men would hold forth on what their opinion was and she would let us know in pretty short order that she respected our opinion, but we were just barely entitled to it and she would proceed to explain to us what the issue was really all about. I think I considered her a very close friend and I think I got a little extra tolerance from her due to the fact that my mother preceded me in the General Assembly. Folks, you'll never see public servants like that again. She was magnificent. What they are telling you is true. When we would hold appropriations bills on the floor until three or four or five in the morning, she would not leave her seat and if you wanted to fight with her at five in the morning, just go ahead and pick it and she would get up and hold forth. She was affectionately known in the House Chamber as the energizer bunny. That came out in that editorial, but that is the name that we gave her because she just kept on ticking and she would never, ever quit. She didn't ask for a quarter, she didn't give any quarters and she stayed with you and fought the good fight all of her life and I was blessed to have known her and considered her as a friend."

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Senator Albertson:

“Thank you, Madame President and members of the Senate. I don’t know what I can add to what has been said here. I was privileged and honored to have met this lady when I was elected to the House in 1989 and I believe you served with her at that time, Madame President, along with Senator Kerr and maybe some others. She was everything that she has been described to be today. I always thought of her like a mother figure, if you will. She was just someone that everybody looked up to. I know I did. She was so well respected. I asked her one day, ‘Miss Ruth, how in the world do you stay in such good shape? You look like you are in perfect health. Do you do a lot of walking and running?’ She said, ‘No, but every morning before I get out of the bed, I am moving all of my limbs back and forth. I do my exercises right in the bed every morning.’ She was such a gracious, wonderful person. Everybody loved her and looked up to her and respected her as has already been said by all. She probably was the perfect role-model for all of us who serve in this Body. I will always love her and cherish the good memories I have of her and I recommend the resolution to you.”

Senator Shaw:

“Thank you, Madame President. Ladies and gentlemen of the Senate, I, too, rise to express my gratitude to Representative Ruth Easterling. I had the opportunity to serve with her when I first came to the General Assembly. You will never see the likes of someone like her. She, along with Senator Bill Martin, are the epitome of what service is all about. I recall how she was like a lioness protecting her cubs and the programs that she was involved with that pertained to domestic violence and children’s programs. If you took so much as a quarter from the programs, you were in for a fight. She advocated her position with all the dignity and intellect that one person could bring. She will long be remembered for the work that she accomplished. It is said that the greatest one among you, is the greatest servant among you. I think that the people who have talked about her today, have shown that she fits that description. I urge your support for the resolution.”

The joint resolution passes its second reading (42-0) and third reading with members standing and is ordered enrolled.

The Chair extends the courtesies of the gallery to the family of Ruth Easterling: Ruby Moss, sister; Jolene Settiff, niece; Pam & Ed Cazel, great niece; Mike Melton, great nephew; Tammy Hodges, great-great niece; Michael Melton, great-great nephew, and Mollie Torres, great-great niece.

ADDITIONAL SPONSOR

Senator Pittenger requests to be added as a sponsor of previously introduced legislation:

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S.B. 1025, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO ESTABLISH NEW PERSONNEL POSITIONS IN THE OFFICE OF THE STATE AUDITOR FOR ADDITIONAL PERFORMANCE AUDIT TEAMS.

Upon motion of Senator Dannelly, seconded by Senator Dalton, the Senate adjourns at 4:43 P.M. subject to reading of messages from the House of Representatives, to meet Wednesday, April 11, at 3:00 P.M.

FORTY-FIFTH DAY

Senate Chamber
Wednesday, April 11, 2007

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 following poorly written announcement appeared in a church bulletin. It said, 'At the evening service tonight, the sermon topic will be What is Hell? Come early and hear our choir practice.' Oliver Wendell Holmes said, 'Many people die with their music still in them.' You know our potential, you know what we can do and you know what is best for us to do. Help us to live up to that potential, making music by singing our song while yet we can. We pray, O God, that your spirit kindly accompany us. Amen."

The Chair grants leaves of absence for today to Senator Apodaca, Senator Bingham and Senator Smith.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, April 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Lynn Hughes from Concord, North Carolina, who is serving the Senate as Doctor of the Day, and to Rob Misselhorn from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

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H.J.R. 523, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RUTH MOSS EASTERLING, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 20)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 1531, AN ACT TO APPOINT JERRY BLACKMON TO THE STATE ETHICS COMMISSION UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE. (Became law upon ratification, April 10, 2007 - S.L. 2007-10.)

H.B. 571, AN ACT TO PERMIT THE TAKING OF FOXES AND COYOTES BY TRAPPING IN CUMBERLAND, HARNETT, AND MOORE COUNTIES. (Became law upon ratification, April 10, 2007 - S.L. 2007-11.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 197, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET OF THE 2005 AMENDMENTS TO THE LAW THAT STRENGTHENED THE PROTECTION OF CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS FROM THE UNFAIR AND DECEPTIVE TRADE PRACTICES OF DEBT ADJUSTERS AND THAT DISTINGUISHED DEBT ADJUSTMENT FROM THE LEGITIMATE PRACTICES OF ORGANIZATIONS THAT PROVIDE CREDIT COUNSELING, EDUCATION, AND DEBT MANAGEMENT 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 35359, which changes the title to read **S.B. 197** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET OF THE 2005 AMENDMENTS TO THE LAW THAT STRENGTHENED THE PROTECTION OF CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 17.

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By Senator Hoyle for the **Finance Committee**:

H.B. 180, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF FOUR OAKS, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 17.

H.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THOSE GOLF CARTS THAT MAY BE REGULATED IN THE TOWNS OF BENSON, BLADENBORO, CHADBOURN, CLARKTON, ELIZABETHTOWN, ROSE HILL, AND TABOR CITY AND TO AUTHORIZE THE TOWN OF FOUR OAKS TO REGULATE GOLF CARTS, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 17.

S.B. 642, A BILL TO BE ENTITLED AN ACT TO REMOVE DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MCADENVILLE AND ANNEX IT TO THE TOWN OF CRAMERTON, IF APPROVED BY THE GOVERNING BOARDS OF THOSE TWO TOWNS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75376, which changes the title to read **S.B. 642** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MCADENVILLE AND ANNEX IT TO THE TOWN OF CRAMERTON, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 17.

H.B. 326, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF GREEN LEVEL AND LIMITING THE AREA IN WHICH THE TOWN MAY MAKE SATELLITE ANNEXATIONS, 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 60252, which changes the title upon concurrence to read **H.B. 326** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF GREEN LEVEL AND CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF OAK ISLAND, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, April 17.

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WITHDRAWAL FROM COMMITTEE

S.B. 1068, A BILL TO BE ENTITLED AN ACT TO ESTABLISH 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, AND TO REPEAL THE E-NC AUTHORITY SUNSET, referred to the **Appropriations/Base Budget Committee** on March 21.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Commerce, Small Business and Entrepreneurship Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Commerce, Small Business and Entrepreneurship Committee**.

S.J.R. 1489, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF MOREHEAD CITY BY COMMEMORATING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE SHEPARD'S POINT LAND PURCHASE, referred to the **Rules and Operations of the Senate Committee** on March 27.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, April 16, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, April 16.

S.B. 1092, A BILL TO BE ENTITLED AN ACT TO ESTABLISH UNPAID SICK DAYS TO ENSURE ALL EMPLOYEES IN NORTH CAROLINA CAN ADDRESS THEIR OWN HEALTH NEEDS AND THE HEALTH NEEDS OF THEIR FAMILIES, referred to the **Appropriations/Base Budget Committee** on March 21.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Commerce, Small Business and Entrepreneurship Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Commerce, Small Business and Entrepreneurship Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 180, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ALTERNATE JUROR MAY REPLACE A JUROR WHO IS UNABLE TO PERFORM THE JUROR'S DUTIES, IS DISQUALIFIED FROM PERFORMING THE JUROR'S DUTIES, OR IS DISCHARGED FOR MISCONDUCT OR OTHER EXTRAORDINARY CAUSE DURING DELIBERATION BY THE JURY ON THE ISSUES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75384, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 17.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 116, A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED FOUR-YEAR TERMS FOR THE ELLENBORO TOWN COUNCIL, AND A FOUR-YEAR TERM FOR MAYOR.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 559, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CARY AND WAKE FOREST TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THEIR HISTORIC DISTRICTS.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 654, A BILL TO BE ENTITLED AN ACT AUTHORIZING RUTHERFORD COUNTY TO CONDUCT AN ADVISORY REFERENDUM ON A HIGH IMPACT LAND-USE ORDINANCE.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 125 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL AN INSTRUMENT THAT CAN BE USED TO VAPORIZE OR INTRODUCE ETHYL ALCOHOL INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 361, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO TEMPORARILY WAIVE THE ENFORCEMENT OF NO-WAKE ZONES UNDER SPECIAL CIRCUMSTANCES.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MODIFYING THE PUBLIC RECORDS LAWS APPLICABLE TO THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGES, TO PROTECT THE PRIVACY OF APPLICANTS WHO ARE NOT ADMITTED OR WHO DO NOT ENROLL, AND TO PROVIDE THAT CERTAIN AUDIT RECORDS ARE PUBLIC DOCUMENTS.

The Committee Substitute bill passes its second reading (46-0).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President, orders the measure placed on the Calendar for Tuesday, April 17, upon third reading.

S.B. 773, A BILL TO BE ENTITLED AN ACT TO RENAME HICKORY NUT GORGE STATE PARK AS CHIMNEY ROCK STATE PARK IN THE EVENT THE STATE ACQUIRES THE PRIVATELY-OWNED LAND IN WHICH CHIMNEY ROCK IS LOCATED THAT IS ADJACENT TO HICKORY NUT GORGE STATE PARK.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 777 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR VIOLATING CERTAIN LAWS REGULATING CERTIFIED PUBLIC ACCOUNTANTS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1035, A JOINT RESOLUTION HONORING THE MEMORY OF FREDERICK LAW OLMSTED AND RECOGNIZING NATIONAL LANDSCAPE ARCHITECTURE MONTH, referred to the **Rules and Operations of the Senate Committee** on March 21.

Pursuant to Rule 47 (a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

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CALENDAR (*continued*)

S.B. 836 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE FOOD STAMP PROGRAM TO REFLECT THE USE OF ELECTRONIC BENEFIT TRANSFER CARDS.

Senator Jones offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1086 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN SCHOOL BUILDINGS, IN SCHOOL FACILITIES, ON SCHOOL CAMPUSES, OR AT SCHOOL-RELATED OR SCHOOL-SPONSORED EVENTS, AND IN OR ON OTHER SCHOOL PROPERTY.

The Committee Substitute bill passes its second reading (32-14).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, April 17, upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1318, A JOINT RESOLUTION HONORING SOUTH VIEW HIGH SCHOOL ON HAVING AN OUTSTANDING GIRL'S BASKETBALL TEAM AND HONORING THE MEMORY OF BRENDA JERNIGAN, THE TEAM'S FORMER COACH.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for immediate consideration.

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces the appointment of Senator Rand, Senator Shaw, Senator Soles and Senator Blake as the Committee to escort the South View High School Girls Basketball Team State 4A Champions to the Well of the Senate.

CALENDAR (*continued*)

H.J.R. 1318, A JOINT RESOLUTION HONORING SOUTH VIEW HIGH SCHOOL ON HAVING AN OUTSTANDING GIRL'S BASKETBALL TEAM AND HONORING THE MEMORY OF BRENDA JERNIGAN, THE TEAM'S

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FORMER COACH, placed earlier on today's Calendar.

The joint resolution passes its second (46-0) and third readings with members standing.

The President extends the privileges of the floor to Head Coach Brent Barker, Assistant Coaches, Nattie McArthur and Faye Corbin, and to the following team members of the South View Varsity Girls Basketball Team: Amber Calvin, Nikoll Wilson, Samantha Ramirez, Whitney Jordan, Ta'nele Walker, Tyffani Fenwick, Rakhee Smith, Debrisha Morris, Amanda Morrill, Jasmine Price, Angelica Rodriguez, and Brittany Wade.

Upon motion of Senator Rand the Chair extends the courtesies of the gallery to Mr. Brian Edkins, Assistant Principal; Mr. Lawrence Buffalo, former Principal; Mr. Ed Baldwin, former Principal; The Honorable Eddie Dees, Mayor of Hope Mills; James Jernigan; Betty Maxwell; Wallace Jernigan; Sherrill Jernigan; Shirley Jernigan; Byrd Jernigan; Lee Jernigan; and Janet Jackson.

S.B. 1246 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PLACEMENT OF PROCESSED FOODS IN AREAS WHERE THE WILDLIFE RESOURCES COMMISSION HAS SET AN OPEN SEASON FOR TAKING BLACK BEARS.

Senator Jenkins offers Amendment No. 1 which is adopted (45-0).

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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

H.B. 502 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL A BUDGET SPECIAL PROVISION CONCERNING HEALTH BENEFIT PLAN CO-PAYMENTS FOR CHIROPRACTIC SERVICES, with a favorable report.

Upon motion of Senator Rand the Committee Substitute bill is placed on the Calendar for Tuesday, April 17.

H.B. 720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE COMMISSION FOR HEALTH SERVICES TO BETTER REFLECT THE FUNCTIONS AND DUTIES PERFORMED BY THE DIVISION AND THE COMMISSION, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 17.

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CALENDAR *(continued)*

S.J.R. 1035, A JOINT RESOLUTION HONORING THE MEMORY OF FREDERICK LAW OLMSTED AND RECOGNIZING NATIONAL LANDSCAPE ARCHITECTURE MONTH, placed earlier on today's Calendar.

The joint resolution passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM CALENDAR

S.B. 1086 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN SCHOOL BUILDINGS, IN SCHOOL FACILITIES, ON SCHOOL CAMPUSES, OR AT SCHOOL-RELATED OR SCHOOL-SPONSORED EVENTS, AND IN OR ON OTHER SCHOOL PROPERTY, upon third reading.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from the Calendar of Tuesday, April 17, and placed before the Senate for immediate consideration, upon third reading.

Senator Clodfelter offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its third reading (37-9) and is ordered engrossed sent to the House of Representatives.

CALENDAR *(continued)*

S.B. 1026, A BILL TO BE ENTITLED AN ACT TO CORRECT A PROCEDURAL TECHNICAL ERROR IN THE REQUIREMENT THAT AN APPLICANT PRESENT A VISA OF LIMITED DURATION FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND TO CORRECT AN APPARENT ERROR IN THE EXPIRATION DATE FOR DRIVERS LICENSES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with Amendment No. 1 pending.

Senator Shaw withdraws Amendment No. 1.

The bill passes its third reading (46-0) and is ordered sent to the House of Representatives.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Thursday, April 12, at 10:00 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

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H.B. 590 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF ANIMAL EXHIBITIONS AT AGRICULTURAL FAIRS.

Referred to the **Judiciary I Committee**.

H.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAW REGARDING TESTAMENTARY ADDITIONS TO TRUSTS, AND TO CODIFY THE DOCTRINES OF INCORPORATION BY REFERENCE AND ACTS OF INDEPENDENT SIGNIFICANCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:37 P.M.

FORTY-SIXTH DAY

Senate Chamber
Thursday, April 12, 2007

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, watching television and reading the newspaper during the last twenty-four hours reminds us that justice occurs in spite of our societal inadequacies and that justice does not preclude mercy. It makes mercy possible. I like the way Frederick Buechner says it, 'Justice is the pitch of the roof and the structure of the walls. Mercy is the patter of rain on the roof and lives sheltered by the walls. Justice is the grammar of things. Mercy is the poetry of things.' In your divine economy, O God, we pause this morning to thank you for both. Amen."

The Chair grants leaves of absence for today to Senator Apodaca, Senator Bingham, Senator Goss, Senator Graham and Senator Jenkins.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, April 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The Chair extends 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 Bonnie Roberson Sawyer from Wilmington, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1557, A JOINT RESOLUTION EXPRESSING THE PROFOUND REGRET OF THE NORTH CAROLINA GENERAL ASSEMBLY FOR THE HISTORY OF WRONGS INFLICTED UPON BLACK CITIZENS BY MEANS OF SLAVERY, EXPLOITATION, AND LEGALIZED RACIAL SEGREGATION AND CALLING ON ALL CITIZENS TO TAKE PART IN ACTS OF RACIAL RECONCILIATION. (Res. 21)

H.J.R. 1318, A JOINT RESOLUTION HONORING SOUTH VIEW HIGH SCHOOL ON HAVING AN OUTSTANDING GIRL'S BASKETBALL TEAM AND HONORING THE MEMORY OF BRENDA JERNIGAN, THE TEAM'S FORMER COACH. (Res. 22)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 337, A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURE OF LOCAL MANAGEMENT ENTITY BOARDS PERTAINING TO THE SERVICE OF COUNTY COMMISSIONERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85299, which changes the title to read **S.B. 337** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURE OF LOCAL MANAGEMENT ENTITY BOARDS PERTAINING TO THE SERVICE OF COUNTY MANAGERS, is adopted and engrossed.

Upon motion of Senator Purcell, the Committee Substitute bill is placed on the Calendar for Tuesday, April 17.

H.B. 697, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SOCIAL SERVICES COMMISSION TO ADOPT RULES ESTABLISHING EDUCATIONAL REQUIREMENTS FOR STAFF EMPLOYED BY MATERNITY HOMES, CHILD PLACING AGENCIES, AND RESIDENTIAL CHILD CARE FACILITIES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50472, is adopted and engrossed.

Upon motion of Senator Purcell, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, April 17.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction and presented to the Senate, read the first time, and disposed of, as follows:

By Senator Atwater:

S.J.R. 1558, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF GOLDSTON ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

ADDITIONAL SPONSOR

Senator Pittenger requests to be added as a sponsor of previously introduced legislation:

S.B. 179, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PROSECUTION OF MEDICAID FRAUD BY INCREASING CRIMINAL PENALTIES FOR PROVIDER FRAUD, ESTABLISHING A PRIVATE CIVIL ACTION FOR PROVIDER FALSE CLAIMS, AUTHORIZING INVESTIGATIVE DEMAND PROCEDURES IN CASES OF PROVIDER FRAUD, MAKING IT UNLAWFUL TO ENGAGE IN KICKBACK ACTIVITIES RELATING TO REFERRALS TO AND PURCHASES FOR THE MEDICAID PROGRAM, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO IMPLEMENT THIS ACT.

Upon motion of Senator Basnight, seconded by Senator Jones, the Senate adjourns at 10:30 P.M. subject to reading of messages from the House of Representatives and in memory of Senator Bill Martin to meet Monday, April 16, at 7:00 P.M.

FORTY-SEVENTH DAY

Senate Chamber
Monday, April 16, 2007

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.

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Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, among the members gathered here, some are educators, most are parents. We turn our thoughts and prayers tonight to the campus of Virginia Tech University and the school's leaders, professors, students, and parents of students whose lives have been forever changed by the senseless and horrific murders that took place there today, over thirty dead and many seriously wounded, young people, not much older than those that fill the gallery here everyday or offer their service as pages. Why do these tragedies happen, O God? No explanation will seem plausible to the parents, students, or to us right now. For those of us who believe in you, the answer will remain a dark and awful mystery. We pray that you would allow us the emotions of grief, sorrow, anger and loss. Then let us summon all our energy to pray for the Virginia Tech family and resolve to do all we can to prevent such an occurrence from ever happening again, anywhere. Comfort your people, O God. Amen."

The Chair grants leaves of absence for tonight to Senator Apodaca, Senator Atwater, Senator Bingham, Senator Boseman, Senator Goodall, Senator Graham, Senator Jenkins, Senator Kerr, Senator Pittenger and Senator Soles.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, April 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. John Allbert from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 1012, AN ACT TO ABOLISH THE COMMISSION ON STATE PROPERTY AND TO TERMINATE ITS CONTRACT. (Became law upon approval of the Governor, April 12, 2007 - S.L. 2007-12.)

S.B. 153, AN ACT TO IMPLEMENT THE FEDERAL LAKE MATTAMUSKEET LODGE PRESERVATION ACT BY ACCEPTING THE TRANSFER AND PROVIDING THAT AFTER REPAIRS AND RENOVATIONS BY THE DEPARTMENT OF CULTURAL RESOURCES THE PROPERTY SHALL BE TRANSFERRED TO AND MANAGED BY THE WILDLIFE RESOURCES COMMISSION. (Became law upon approval of the Governor, April 12, 2007 - S.L. 2007-13.)

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H.B. 42, AN ACT TO AMEND CRIMINAL PROCEDURE LAWS AFFECTING DOMESTIC VIOLENCE VICTIMS AND TO REQUIRE DOMESTIC VIOLENCE HOMICIDE REPORTING AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE. (Became law upon approval of the Governor, April 12, 2007 - S.L. 2007-14.)

H.B. 46, AN ACT TO DETERMINE WHETHER SECURITY GUIDELINES ARE NEEDED FOR DOMESTIC VIOLENCE SHELTERS OPERATED BY STATE-FUNDED AGENCIES AND TO PROVIDE, WHERE FEASIBLE, SECURE AREAS FOR DOMESTIC VIOLENCE VICTIMS TO AWAIT HEARING OF THEIR COURT CASE AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE. (Became law upon approval of the Governor, April 12, 2007 - S.L. 2007-15.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 38 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PUBLIC ALERT TO BE ISSUED WHEN A PERSON WITH DEMENTIA OR OTHER COGNITIVE IMPAIRMENT IS REPORTED MISSING, TO INCLUDE CAREGIVERS AMONG THOSE WHO CAN REPORT AN INDIVIDUAL MISSING, AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE PROVISIONS CONCERNING THE NORTH CAROLINA CENTER FOR MISSING PERSONS.

Referred to the **Judiciary II Committee**.

H.B. 328, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MORE FLEXIBLE PAYMENT SCHEDULE FOR THE SPECIAL SEPARATION FOR LAW ENFORCEMENT OFFICERS.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 429 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF OCEAN ISLE BEACH, EMERALD ISLE, AND HOLDEN BEACH TO SET CANAL DREDGING FEES BASED ON A PROPERTY OWNER'S FRONTAGE ABUTTING A DREDGING PROJECT.

Referred to the **Finance Committee**.

H.B. 433, A BILL TO BE ENTITLED AN ACT TO ADOPT THE LEXINGTON BARBECUE FESTIVAL AS THE OFFICIAL FOOD FESTIVAL OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 443 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CHEROKEE COUNTY TO USE THE DESIGN-BUILD

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METHOD OF CONSTRUCTION FOR A JUSTICE CENTER.

Referred to the **State & Local Government Committee**.

H.B. 537, A BILL TO BE ENTITLED AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD.

Referred to the **Finance Committee**.

H.B. 634 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO RENUNCIATIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

H.B. 738, A BILL TO BE ENTITLED AN ACT TO ADOPT THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS' MODEL ACT ON CUSTODIAL AGREEMENTS AND CLEARING CORPORATIONS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 775, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM SIMULTANEOUS DEATH ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

H.B. 895, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE INSURANCE LAWS TO MUTUAL AID ASSOCIATIONS SERVING PRESENT AND PAST MEMBERS OF THE ARMED FORCES AND SEA SERVICES OF THE UNITED STATES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.J.R. 1311, A JOINT RESOLUTION EXPRESSING THE GENERAL ASSEMBLY'S PROFOUND REGRET FOR THE INSTITUTION AND LASTING EFFECTS OF SLAVERY.

Referred to the **Rules and Operations of the Senate Committee**.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to the Honorable Dennis H. Davis, former Senator from Cleveland County.

CALENDAR

A bill on tonight's Calendar is taken up and disposed of, as follows:

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S.J.R. 1489, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF MOREHEAD CITY BY COMMEMORATING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE SHEPARD'S POINT LAND PURCHASE.

Upon motion of Senator Preston, the joint resolution is read in its entirety and, upon motion of Senator Shaw, the remarks of the members, are spread upon the Journal, as follows:

Senator Preston:

“I would like to not certainly repeat what you’ve just heard but to point out a few things that I think are extremely significant, at least as I’ve studied the history. I would like for you to look behind me to this portrait. This is John Motley Morehead for which the City of Morehead was named and just to give you a few facts about the Governor, Morehead City was the brainchild of Governor John Motley Morehead I. Governor Morehead and Silas Webb visited Carteret County to study Beaufort harbor and port in order to determine whether a larger port could be developed. Governor Morehead foresaw the commercial potential of Shepard’s Point, the peninsula at the intersection of the Newport River and Beaufort Inlet and envisioned a great commercial city there. Governor Morehead and his associates purchased six hundred acres of the property from the Arendell family and made plans to extend the North Carolina Railroad from Goldsboro to Shepard’s Point. Governor John Motley Morehead strongly encouraged the early incorporation of Morehead City. Many of you who know the history of this Governor knew that he was a graduate of The University of North Carolina at Chapel Hill where he was trained as a lawyer. He devoted his adult life to insuring the freedom of the mind, the freedom of enterprise and the unfettered equal opportunity of the people of our State. He also served in the General Assembly for several sessions. When he was elected Governor from the Whig Party, twice that occurred, he served from 1831 to 1835 and was the first governor inaugurated in the new State Capitol back in those days. In 1945, John Motley Morehead III who was the grandson of the number 1 signed an indenture creating the John Motley Morehead Foundation. In 1951, the Morehead Scholarship program at the University of North Carolina was established by that foundation and of significance to me in 1957, the first class of the four-year undergraduate Morehead Scholars graduates graduated from UNC and in that first graduating class was my good friend from my old hometown and classmate, James G. Exum, Jr., whom many of you know was our Chief Justice of the State Supreme Court. In 1965, Jim Exum of that ’57 class became the first Morehead Scholar elected to the North Carolina House of Representatives. In 1986, that Morehead Alumnus, Jim Exum, Class of ’57, became the Chief Justice of the North Carolina Supreme Court and was there until 1995. Again, of special significance, when I was a freshman in the House, it was my good friend, the Chief Justice Jim Exum, who gave us that Oath of Office that night and it was a very special occasion for me. As you heard, Morehead City is a destination getting to the beach and it’s a very tourism-related area. Let me just mention, too, as you have heard we have some really

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interesting things in the County of Carteret but specifically Morehead City. We have one of the two state ports. We were the last stop of the Atlantic and North Carolina Railroad which ended railroad passenger service in 1950 but still provides commercial service. It's the home of the second largest festival of North Carolina, the Seafood Festival. It is very rich in marine life and science research for our community colleges and I don't know how many of you know but we have a UNC-Chapel Hill Institute of Marine Science located in Morehead City as well as the North Carolina State Center for Marine and Research Technology. We have the Duke University Marine Research Laboratory and we have the National Oceanic Atmospheric Administration there. We have two of our state divisions under DENR and they are the State Division of the Marine Fisheries and the State Division of Coastal Management so we have quite a lot going on in Morehead City. Just across the bridge, we have the most heavily visited state park in this State which is Fort Macon. We also have the North Carolina Maritime Museum which is in Beaufort and down east just a bit we have the Down East Core Sound Water Fowl Museum and, of course, across the other bridge we have the great Crystal Coast. I hope you all will plan to try to visit us in May when we're celebrating this 150th Anniversary. I appreciate your indulgence, but I'm real proud of the place I represent and I have been there now for a number of years and we have some very notable people who have served as Mayor, certainly since the 40's when I first started visiting Morehead City. Doug Dixon was very reputable and just very popular for seven-years as Mayor. We had Mr. Dill who was in the 40's and his son is here tonight and we have the first African-American man, Bill Horton, who many of you knew because he was here on a number of occasions trying to get something for his beloved city of Morehead, and our current Mayor, Jerry Jones. So we've had some extremely good leadership for the City of Morehead and I certainly would appreciate your supporting this resolution. Thank you."

Senator Basnight:

"To the Town Council, to the Mayor, to the citizens of Morehead City, we welcome you to the Senate Chamber and we thank you for so much that you have given to this great State. What stands out for me is that you continuously work to preserve your heritage and your history of your community and one example of that is the North Carolina Seafood Festival. In Coastal Carolina it is difficult today to recognize much of our history from one time to another but you have worked awfully hard to preserve that character and that place in time of people that we have forgotten or who are no longer with us. For that reason I salute you and I wish you a grand successful 150 years of history."

The joint resolution passes its second (37-0) and third readings with members standing and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Preston, the Chair extends the courtesies of the gallery to guests from Morehead City: Mayor Jerry Jones, Ruth Jones, Randy Martin, Sally Smith, DJ Femia, Rodney Kemp, George Dill and George Ballou.

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WITHDRAWAL FROM COMMITTEE

S.B. 659, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ELECTED OFFICIALS WHO ARE MEMBERS OF THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, OR THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM SHALL FORFEIT THEIR PENSIONS UPON CONVICTION OF A STATE OR FEDERAL OFFENSE INVOLVING PUBLIC CORRUPTION OR A FELONY VIOLATION OF ELECTION LAWS, referred to the **Judiciary I Committee** on March 12.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Select Committee on Government and Election Reform**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Select Committee on Government and Election Reform**.

S.B. 314, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY CONVICTED OF CERTAIN FELONIES COMMITTED WHILE IN OFFICE AND IN THE COURSE OF THEIR OFFICIAL DUTIES SHALL FORFEIT THEIR PENSIONS UNDER THE LEGISLATIVE RETIREMENT SYSTEM, referred to the **Judiciary I Committee** on February 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Select Committee on Government and Election Reform**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Select Committee on Government and Election Reform**.

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Purcell, the remarks of Senator Blake who rises to a point of personal privilege, are spread upon the Journal, as follows:

Senator Blake:

“If you remember, on March 31 I gave you a brief idea of what I was going to be doing for the next two weeks. At that time, I could have had no idea of the impact that a visit to China would have on me and eighteen other people who went with me. We got on a plane in Raleigh, late I might add, that put us in Detroit, also late I might add, so that meant we missed our flight from Detroit to Tokyo. We ended up going to Frankfurt, Germany. The next day we went from

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Frankfurt to Tokyo and then to Beijing. We got to Beijing, China on April 2. We spent two days getting over that trip and the third day we went down to Changsha, China that is the capital city of Hunan Province. We spent a night there getting some rest. On April 4, we got on a bus, traveled seven or eight hours and if you had been with us you would understand why it took so long on that bus. We went to the uppermost mountain section of the Hunan Province where the pilot was killed in 1944. We spent the night in a hotel in GuDon City. The hotel there was a five-star hotel in a city of about two million people. The next morning at 9 o'clock we got in five different automobiles to begin the journey up that mountain to where the memorial is built for the pilot. We spent about thirty minutes in the automobile going up a one-way curving road up that mountainside. We went as far as the car could go and then we got out. The first thing we saw were children lined up, hundreds of school kids welcoming us to that part of the world. We walked up that trail up to the top of the mountain and looked up and the first thing I saw was a huge shrine that was built five hundred years ago and at the base of that shrine was a huge covered cross-type building, not a building, but a statue, and the red banner that was covering it was eventually unfolded and when we saw it, it was a cross with the name of Lieutenant Hoyle Upchurch on it. This memorial, the height of it was about twelve feet, was built by those Chinese, some of them who actually saw the plane crash in 1944. They had a ceremony there that would equal what you would see in Arlington, Virginia. The Upchurch family, they were represented there, and a couple of them were able to make some comments. I was honored to be one of those people who was allowed to make some comments. The people in GuDon City were so cordial to the American people and it goes back to 1942-43, 1944 and 1945 based on the efforts that our people made with them to save the freedom that you and I enjoy today. The trip sort of began the ending of that part of our trip and then we had an opportunity to meet with Mr. Wang, the gentleman who actually went to the plane crash site and helped retrieve the body and he was the guy that went once a year to maintain that gravesite of that pilot before he was finally found in 2005. I can never convey to you what we saw, but the people on that trip will all give their own description. The story will be going out into this Country, I believe, from now and into the future. I think that eventually for people who go to China, that memorial site will be one of the destinations to visit. It is absolutely awesome. Remember, a cross represents what the Chinese thought about our Country in 1944. They assume that the cross was the significant symbol. Quickly after we left GuDon City, we went back to the capital of Hunan Province and there we were invited to a state dinner. We had dinner with the Governor and all of his cabinet members. His cabinet would be like ours. They have economic development, health and human service, tourism and other type interests. The eighteen of us had the opportunity to interface with those wonderful people. We did sign an agreement, the Governor and I did because I was allowed to represent our Governor, to start a friendship-type commitment based on economic, education, culture and it even has sports in that document. The next day we had a chance to visit one of their industrial parks. Friends, we in the

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United States have great industrial, technical parks, but there are none that I know of that would supersede what we saw. We visited a company in one of these parks that hires 10,000 people. They make the largest equipment that's made in the world in that plant. The equipment itself will ... seven floors high, awesome machinery. We visited the pharmaceutical industry and we visited high-tech industry and all of those people were real cordial to us because they are cordial to our people, the USA. What they are and what they are doing is building a system that we started out with 140 years ago, a free enterprise system. In 1988, the government allowed them to establish industrial zones and when they did that they freed up individuals to go in there and start producing. As I see China today, I see it as a great people that respect America and they are simply our competitors, not our enemy. I didn't believe that before I left here three weeks ago because I was there in 1998 and I thought I had seen a third-world country, but today China has super highways. I think they patterned them after our system and they have the infrastructure that it takes to make a great society. If you go to Beijing or any of the big cities today, you are going to see new buildings to the extent that you can't comprehend it because the people in the countryside are moving to an industrial area. The only problem that I saw with China is that they have polluted air. It is a very serious problem and they know that and they will have to deal with that. Thanks for the opportunity to share this with you folks. Let's not look at China as a military enemy, but let's look at them as a competitor and let's get busy in exciting our children to be educated because that is the challenge. If you are in China, if you want to be educated, you are excited about it, just like getting on a basketball team. We visited two high schools and one college and it is amazing what you see there. That is our future challenge, not military, but education so we can be up to speed to compete with those great people. Thank you for giving me this time to make my brief remarks."

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Ashley Bryant, Clayton; Worth Crowley, Kernersville; Devin Gerney, Raleigh; Katherine Grimshaw, Raleigh; Lauren Hovis, Pfafftown; Ivy Jump, Morganton; Brittany McMahan, Morganton; Lizzie McMahan, Morganton; Cliff Owl III, Murphy; Joe Parrish, Timberlake; and Alicia Smith, Fayetteville.

Upon motion of Senator Dannelly, seconded by Senator Hagan, the Senate adjourns at 7:46 P.M. subject to reading of messages from the House of Representatives, to meet Tuesday, April 17, at 3:00 P.M.

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FORTY-EIGHTH DAY

Senate Chamber
Tuesday, April 17, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, like it or not, today is the tax filing deadline for people in our State and Country. We are reminded of Mark Twain's sentiments about taxes when he said, 'The only difference between a tax man and a taxidermist is that the taxidermist leaves the skin.' Jesus put it this way, 'Render to Caesar the things that are Caesar's and to God the things that are God's'. I guess we will always have a difficult time trying to figure out what to render and to whom. The truth is, we owe God and Government, but not the same things. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, April 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Phillip A. Sellers from Hendersonville, North Carolina, who is serving the Senate as Doctor of the Day, and to Jaime Devers from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1196 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 18.

S.B. 642 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MCADENVILLE AND ANNEX IT TO THE TOWN OF CRAMERTON, 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,

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Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Pittenger, Preston, Purcell, Queen, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Wednesday, April 18, upon third reading.

H.B. 180, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF FOUR OAKS, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Pittenger, Preston, Purcell, Queen, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The bill remains on the Calendar for Wednesday, April 18, upon third reading.

H.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THOSE GOLF CARTS THAT MAY BE REGULATED IN THE TOWNS OF BENSON, BLADENBORO, CHADBOURN, CLARKTON, ELIZABETHTOWN, ROSE HILL, AND TABOR CITY AND TO AUTHORIZE THE TOWN OF FOUR OAKS TO REGULATE GOLF CARTS, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Pittenger, Preston, Purcell, Queen, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Wednesday, April 18, upon third reading.

H.B. 326 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF GREEN LEVEL AND CONCERNING VOLUNTARY

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SATELLITE ANNEXATIONS BY THE TOWN OF OAK ISLAND, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Pittenger, Preston, Purcell, Queen, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Wednesday, April 18, upon third reading.

S.B. 337 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURE OF LOCAL MANAGEMENT ENTITY BOARDS PERTAINING TO THE SERVICE OF COUNTY MANAGERS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 24.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 173, A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESIDENCY REQUIREMENT ON ALL HUNTING AND FISHING LICENSES FOR THE DISABLED AND TO MAKE TECHNICAL CORRECTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55419, which changes the title to read **S.B. 173** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SWINE FARM WASTE MANAGEMENT SYSTEM CONVERSION ACCOUNT, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

S.B. 1465, A BILL TO BE ENTITLED AN ACT TO CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998 AND TO ASSIST FARMERS TO VOLUNTARILY CONVERT TO INNOVATIVE ANIMAL WASTE

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MANAGEMENT SYSTEMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35360, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 470, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AGE OF PERSONS RECEIVING AN EIGHT-YEAR DRIVERS LICENSE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55423, which changes the title to read **S.B. 470** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT AN APPARENT ERROR IN THE EXPIRATION DATE FOR DRIVERS LICENSES AND TO INCREASE THE AGE OF PERSONS RECEIVING AN EIGHT-YEAR DRIVERS LICENSE, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Rand for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 1002, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND EXTEND THE RESTRICTIONS ON THE USE OF AUTOMATIC DIALING AND RECORDED MESSAGE PLAYERS TO MAKE UNSOLICITED TELEPHONE CALLS, with a favorable report.

By Senator Nesbitt for the **Judiciary I Committee**:

H.B. 552, A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FOR PERSONS SERVING ON LOCAL BOARDS OF TRUSTEES OF THE FIREMEN'S RELIEF FUND OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50521, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1183, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BENJAMIN SYLVESTER "BEN" RUFFIN, JR., FORMER CHAIR OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 22.

Pursuant to Rule 47 (a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate**

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Committee and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1489, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF MOREHEAD CITY BY COMMEMORATING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE SHEPARD'S POINT LAND PURCHASE. (Res. 23)

CALENDAR *(continued)*

S.B. 180 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ALTERNATE JUROR MAY REPLACE A JUROR WHO IS UNABLE TO PERFORM THE JUROR'S DUTIES, IS DISQUALIFIED FROM PERFORMING THE JUROR'S DUTIES, OR IS DISCHARGED FOR MISCONDUCT OR OTHER EXTRAORDINARY CAUSE DURING DELIBERATION BY THE JURY ON THE ISSUES.

The Committee Substitute bill passes its second reading (48-1).

Senator Berger of Rockingham objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, April 18, upon third reading.

S.B. 197 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET OF THE 2005 AMENDMENTS TO THE LAW THAT STRENGTHENED THE PROTECTION OF CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 502 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL A BUDGET SPECIAL PROVISION CONCERNING HEALTH BENEFIT PLAN CO-PAYMENTS FOR CHIROPRACTIC SERVICES.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 697 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SOCIAL SERVICES COMMISSION TO ADOPT RULES ESTABLISHING EDUCATIONAL REQUIREMENTS FOR STAFF EMPLOYED BY MATERNITY HOMES, CHILD PLACING AGENCIES, AND RESIDENTIAL CHILD CARE FACILITIES.

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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 for concurrence in the Senate Committee Substitute bill.

H.B. 720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE COMMISSION FOR HEALTH SERVICES TO BETTER REFLECT THE FUNCTIONS AND DUTIES PERFORMED BY THE DIVISION AND THE COMMISSION.

The Committee Substitute bill passes its second reading (49-0).

Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, April 18, upon third reading.

S.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MODIFYING THE PUBLIC RECORDS LAWS APPLICABLE TO THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGES, TO PROTECT THE PRIVACY OF APPLICANTS WHO ARE NOT ADMITTED OR WHO DO NOT ENROLL, AND TO PROVIDE THAT CERTAIN AUDIT RECORDS ARE PUBLIC DOCUMENTS.

The Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives.

S.J.R. 1183, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BENJAMIN SYLVESTER "BEN" RUFFIN, JR., FORMER CHAIR OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, placed earlier on today's Calendar.

Upon motion of Senator Brock, the remarks of the members are spread upon the Journal, as follows:

Senator Garrou:

“Thank you, Madame President. I want to read for you some words that Ben Ruffin said and they speak about public service and I think this should apply to all of our lives. ‘My life has really been a calling to come from where I started from to end up where I am today and means to me that it is a calling that I have to fulfill, a charge I have to keep. The State has been good. People, the citizens, have been good to me and you know the greatest calling you can have is a call for service and I am sure that all of us feel that way.’ Ben Ruffin was such an outstanding man. You could only walk with him on a campus to see kids relate to him and their eyes would light up. I remember being with him one day at the School of the Arts when we were in the costume department and we were talking to students who were making costumes for a production that they were getting ready to make and Ben would say, ‘Now are you going to use this stitch on that or this stitch on that one.’ I was just amazed because I didn’t know anything that they were talking about, but Ben had grown up and had learned to

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tailor clothes and that is how he put himself through school and any of you who knew him, knew how well he dressed. He was always a dandy dresser and always very well groomed and he saw that as a way of helping himself through life and he also believed that people responded to you often by how you presented yourself. He wanted to present himself in a good way. On the campus of Winston-Salem State, the students flocked to him. They were so excited because they knew what he had done. They understood the challenges that he had overcome and the great opportunities that he had availed himself of. At the funeral service, one of Ben's friends talked about the fact that Ben was so proud of having been Chairman of the Board of Governors and who wouldn't be. His password on his computer was chairman and I thought that was kind of cute that that word was his password. Let me just close in saying that I know that there are a lot of people here who want to speak about their personal relationship with Ben because he touched so many of our lives and he made such an impression on so many of us. Ben Ruffin said, 'It is not important what your name is today, but the name that you make for yourselves.' That is what he told an audience one time. I would say, Ben Ruffin, you made a great name for yourself and I am proud to have known you. I urge your support of this resolution."

Senator Brunstetter:

"Madame President, we were all shocked and saddened when we lost Ben Ruffin in an untimely manner in December. Ben Ruffin was a great business leader in our community. But more importantly, he was a great community servant, a great social leader and he helped us through some very, very difficult times in Winston-Salem. He did it because of his clear thinking and his ability to bridge the gaps between people. We were so proud when he became Chairman of the Board of Governors and we were proud that we were able to share the service that we had seen at the local level with the entire State. I commend this resolution to you."

Senator Dorsett:

"I guess I had known Ben from the beginning of his professional career and he was a fighter. Ben was always a fighter for fairness and justice and I can remember seeing him as he was fighting for housing and education and certainly he was fighting for the low-income neighborhoods in Durham where he was from. But I can also remember his proud moment when Governor Hunt named him as head of the Human Relations Council and I think that I could safely say that Ben probably did more with that Council than any other individual who has been named to a leadership role there. Ben was one of the ones whose leadership was felt by all of us and, of course, we recognized how he was fighting not only for judges, but also all other leadership roles for African-Americans and I think we could go beyond just his leadership for judges to see cabinet level appointments and other leadership roles for African-Americans throughout this State. Another very proud moment was when he became Vice-President of R. J. Reynolds and he used that position for upward mobility for

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African-Americans throughout the State. Ben was very proud to say that he was Chair of the Board of Governors and we, of course, were all very proud of that. One thing that is not in the resolution was that Ben was the very first Chair of the National Black Caucus of State Legislators Round Table and he did a lot for that organization which is made up of African-American Legislators throughout the Country. I also remember that Ben distinguished himself as being a dresser and I remember us going to South Africa together and I, of course, on my limited salary couldn't play in the same league, but Ben was always looking at the finest of clothes and when we would see each other I would say to him, 'Let me just touch the hem of your garment.' Of course, he took great pride in that statement from me, but he made a great contribution, not only to African-Americans, but to North Carolina and to the Nation. I was very shocked with his untimely death and certainly we can be very proud of the contributions that he made to our State and to our Nation. I would urge you to support the resolution."

Senator Dannelly:

"Thank you, Madame President. As the three Senators were speaking, I was trying to think of when I met Ben and I really don't know when I met him. It seems as if I've known him all my life and he is not nearly as old as I am. But I guess I started seeing Ben when Governor Hunt appointed him to the two positions that he did and then all of a sudden Ben was sort of all over the place. Anywhere you would go in North Carolina you would see him. I have wondered how Ben could do the things he did for African-Americans particularly in this State at the time that he did it. He did so much to foster equity and parity to a higher level for all African-Americans in state government because the situation was sort of dismal when he had that position. As indicated early, Ben was an eloquent speaker and a dapper dresser. He was very poetic and well-learned and he sort of made a change in life and they tell me when people make these changes in life, Senator Goss, it just happens and all of a sudden you see. Ben started, in his speeches, sounding like a minister who had gone to a seminary to learn how to deliver his speeches and he was very sincere about things he spoke of. The last time I saw Ben was on December 2, 2006, in Jackson, Mississippi at the NBCSL Conference and Ben was doing his usual working the room and it was at the banquet. Watching Ben work, I wondered in my mind whether or not Jim Hunt taught Ben to work a room or did Ben teach Jim Hunt to work a room because the two of them could work a room better than any politician I have ever seen. I had arrived home and on December 7 about 11:00 A.M., I got a call that Ben had prematurely, to us but not to the man upstairs, had left us. He made such tremendous contributions to this State and the University System because as Chair of the Board of Governors, Ben did something that had never been done. He had the Board to meet on every campus in the system so that they could see the needs that had not been met in the past. I say to you, there is nothing that we can say to make up for or let you know how far his contributions will reach in the future, but he has a place in the history of North Carolina and I urge you to approve this resolution."

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Senator Atwater:

“I’ve known of Mr. Ruffin for many, many years but I first had the opportunity to meet him some nine or ten months ago at a Durham committee on affairs of black people in Durham where he was being honored and there were two observations that I made about him that I wanted to share with you rather briefly. One of which was that he seemed to have a lot of trouble staying at the head table. He, as Senator Dannelly indicated, moved about quite a bit, not in a quick careless way, but in a way that it gave the people that were present the opportunity to just make over him and they were so loving of him and it stood out to me. I’ve never seen anybody treated quite that way. But it also occurred to me that it was because of their love for him, their expectation for him and indeed their need for him that really empowered him to lead the life of achievement that we so well portrayed in this resolution. I also commend the resolution to you.”

Senator Shaw:

“Thank you, Madame President. Members of the Senate, all of you probably knew Ben Ruffin or heard of Ben Ruffin. I think the shadow that he cast across the State is quite significant and we probably won’t see the likes of someone of his caliber for a very long time. I knew Ben for well over a quarter of a century and I knew him very personally and very privately and he was a great family man. He loved his wife and he loved his two children, his two little girls. He would talk about his babies and he still called them babies even though they became grown. But Ben was the kind of guy that was very humble. I went to a speech with him one time and we were flying somewhere out in Elizabeth City and the guy was trying to get some notes because he didn’t have a resume and he said, ‘Ben, should I tell them that you were the first...’ and Ben said, ‘no, no, no, no...’ And the guy said, ‘Should I tell them that you had this award or that you had done...’ and Ben said, ‘no, no, no, no...’ All these things that you read in here in the resolution the guy was trying to make a reference to and Ben would not have any of it. He said, ‘Just tell them I am someone that you can call and someone that will try to help.’ And he did just that. All he did through his life was for the service of others. He tried to lift the entire race of people on his back and did a very good job of it. In the galaxy there are many stars out there and Ben Ruffin was the moon. This young man was pure because I haven’t seen anyone come along to make the kind of progress and the kinds of achievements that Ben Ruffin has done. If we honored this man every day for the next year or two, we still couldn’t do enough to lift his name up for what he has done for us. We are indeed a better State, a better place because of people like Ben Ruffin. I commend the resolution to you. Thank you.”

The joint resolution passes its second reading (49-0) and third reading with members standing and is ordered sent to the House of Representatives.

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. 1380, A JOINT RESOLUTION HONORING THE ELIZABETH CITY STATE UNIVERSITY BASKETBALL TEAM ON WINNING THE 2007 CENTRAL INTERCOLLEGIATE ATHLETIC ASSOCIATION (CIAA) BASKETBALL CONFERENCE CHAMPIONSHIP.

Upon motion of Senator Rand, the Rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces the appointment of Senator Jones, Chair; Senator Jenkins; Senator Bingham; Senator Swindell; Senator Malone and Senator Berger of Franklin as the Committee to escort the Elizabeth City State Men's Basketball Team, 2007 CIAA Basketball Champions, to the Well of the Senate.

The remarks of the Members are spread upon the journal, as follows:

Senator Jones:

“Thank you, Madame President. I really don’t know what to say about these young men here but I can tell you about Elizabeth City State University. In Halifax County, we had two teams. One was Trojans and one was Vikings. It just happened that my daughter was a Trojan and hated the Vikings, but when she got that academic scholarship to Elizabeth City she learned to be a Viking. It helped dad’s pocket out quite a bit! She was there at Elizabeth City where she graduated in approximately four years. They never had a winning season at all but we kept the faith. We went to the games and we prayed and prayed and great things happened over there at Elizabeth City. When she graduated, they didn’t have a lot of money so they got the best speaker they could possibly find and that was Senator Basnight. While he was speaking, it was a windy day and his papers blew away so he didn’t have his speech any longer and he had to ad lib the rest of the speech. I’ll never forget that. He kept right on going with the program. Elizabeth City is one of the colleges that most of the people from my district attend. It’s a historically black university and it has approximately 2100 students in that neighborhood. They are doing well. They are in the eastern part of the State. One of the gracious things I think about when I think about all the things that God did for folks is that I had a superintendent by the name of Dr. Willie Gilchrist in Halifax County who did great things with the children in Halifax County. Then they chose him to be the Interim Chancellor at Elizabeth City State University. We hated losing him more than anything else we had ever dealt with. But then this team had a winning football season, they had a winning basketball season, and that is because sometimes people’s personalities turn folks around. He really loved Elizabeth City State University. He is a graduate of Elizabeth City State University and his wife and children all went there. We could not have asked for a better Chancellor to be at Elizabeth City State University. I guess when I went down to the game to watch them play in Charlotte I was probably the most excited person there. I wasn’t even a parent to anyone down there but I was talking a bunch of junk the whole time to the

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people next door to me over there to tell them how my team was going to beat up on them and it got me a little bit worried at the end that I was not going to be able to hold that junk talk down to a minimum. When you go to the schools where we have our children going, a lot of people don't want to go to Elizabeth City State University. But you know, those folks there have some of the best facilities in the State of North Carolina, some of the best. When I go through there now and I see our new buildings and so forth going up, I know that we are going to have some great kids come out of that Institution there. But I'm not going to stand here very long and talk to you but I want to tell you this. This team won everything they could win at the CIAA but these young men, the proudest thing I can say about these young men, is that they had the highest grade point average of any team in the CIAA and I think that is something. So I say to you, press on. There are higher places you can be out here. Senator Jones never thought he'd be sitting here behind you today thanking you for what you are doing at Elizabeth City State University. You are great role models. I challenge you to keep the role-model image and be a role model to others. I am proud to be a part of Northeastern North Carolina where we have great young men like you. Thank you."

Senator Graham:

"Senator Jones, it with great reluctance, kiddingly, that I support the resolution! I am a graduate of Johnson C. Smith University, a member of the CIAA, and we felt the wrath of the Vikings at least once or twice this year, but I want to congratulate the men of Elizabeth City State University. I'm a great fan of CIAA basketball and certainly the City of Charlotte and the State of North Carolina have benefited from having the CIAA Tournament in the State of North Carolina with the economic impact it has, not only for the City of Charlotte, but for the whole State of North Carolina and to have a North Carolina team win, although it wasn't my alma mater, it also wasn't Virginia Union, so anyone but Union, I was proud of! Certainly, Elizabeth City State University is a fine institution and I'm joking in some of my remarks, but certainly they represent the CIAA Conference, they represent Elizabeth City as a town, and the State of North Carolina in a tremendous fashion. CIAA basketball is probably some of the best basketball in Division II that is played throughout the Country. I am proud to have Elizabeth City State represent the CIAA in the NCAA Division II Tournament. I'm proud of that and proud of the way that the school has really come to Charlotte this year, being a seventh seed, I think, and winning four games in a row to capture the championship certainly shows determination and certainly shows grit and hard work so I'd like to congratulate the men of Elizabeth City State University, the Chancellor and all the students there on winning the 2007 CIAA basketball Championship. Congratulations."

Senator Dannelly:

"Thank you, Madame President. I, too, gentlemen and coach, would like to congratulate you on winning the CIAA Championship, your first in twenty-one or twenty-six years or something like that. I saw the game and what impressed me about it is good coaching. Good coaching teaches young people not to give

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up when things get tough. I saw you down in that game several times and you came back. You came back. I started to leave one time when you were down, but you came back and I heard people jumping up and yelling and I came back myself to see the rest of the game. Your determination to be good academically, to be the best academically among CIAA men's basketball is a testament to the good counseling that you get at Elizabeth City State University. I don't know who the young man is, but you have a young fellow who reminds me of me when I played basketball. He could sky. The ball would come loose around there and we called it picking up the lily, you know around the basket. He'd come in there and next thing you would notice is you would see the net just flutter. Who is the highest jumper? I would like to know that because that young man can slam a ball in the basket. Who was that? Does anybody know who that is? There he is! Well, I want to say to you the things you are learning at Elizabeth City State University, you keep learning it. It will take you a long way through life. Congratulations. I urge you to support this resolution."

Senator Basnight:

"Thank you, Madame President, Chancellor Gilchrist, and Coach Walker. I watched the game. Pigford and Hilliard, that night you were stars as well as all the guys who had to get the basketball to you. In watching the game, I was amazed at the grouping of the people. I don't know how you say this, but all of the team was in the right place at the right time to allow that scorer or that person to be able to put the ball in the basket with such ease and such disappointment for your opponent. You never quit. This morning I had a chance to meet some of your classmates and they came in unexpectedly and they were part of the science exhibit that was going on in the building today and two of them are pre-med students, one from Philadelphia, I believe, and I forgot where the other lady was from and there were also two young men who were in this Expo and they are studying global warming and I learned more today from one of those particular young men who has been studying Antarctica and has been there as well as Artica and the Greenland ice sheets and he tried to make me understand in a very simple way, and that's hard for me to do, what it means to us and he was speaking of the rising of the sea tide and how it is occurring and why it is occurring. Such geniuses, the people that were in my office today from Elizabeth City State that had come from across this Nation to study jointly with other institutions in America across our Country. One is connected to the University of Kansas and these people are connecting from Kansas and Elizabeth City to the University of Maine, to Seattle, and to around the Country so that we fully understand the consequences whatever they may be and whether we created those or not. The reality is that we have to have sciences and study and for it to come from Northeastern North Carolina is very rewarding to me inasmuch as I live in Manteo. To see this school today twice in such a short period of time, one as champions of a tournament in basketball, and one as champions in the world of science. So Elizabeth City State Vikings today stand out. You are sitting where many stars on the athletic fields of North Carolina have sat. I believe it was last week that Barton College was here where you are and had won a national championship and it was a soccer team from UNC-

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Chapel Hill that also was in those chairs so we have had other champions and you are just as much a champion as anyone else in this State and in this Country. I salute you and I thank you for doing so well. Continue to do so educationally and next year let me come see you play basketball.”

The joint resolution passes its second reading (48-0) and third reading with members standing and is ordered enrolled.

Senator Jones introduces Coach Shawn Walker and Chancellor Willie Gilchrist. The following players, assistant coaches, and Athletic Director introduce themselves: Lansen Leach, Brian West, Trent Bivens, Demond Hickman, Anthony Hilliard, Devin Mooring, Anthony Butler, Olajuwan Johnson, Wallace Sam, Mike Land, Jabyron Wilson, Jamal Rouse, C J Pigford, Shakiem Mitchell, Joey Rieg, James Bell, James Jeffries, Alico Dunk, Cleveland Blount, and Thurlis Little.

Upon motion of Senator Jones, the Chair extends the courtesies of the gallery to the cheerleaders and other guests from Elizabeth City State Men's Basketball Team.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 190, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF ALBEMARLE ON THE CITY'S 150TH ANNIVERSARY.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar for immediate consideration.

The joint resolution passes its second reading (44-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Purcell the Chair extends the courtesies of the gallery to the Honorable Elbert L. Whitley, Mayor of Albemarle, and his wife Joanne Whitley.

CHANGES TO 2007 SENATE COMMITTEES

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore* announces that Senator Malone is removed from the **Mental Health & Youth Services Committee** and is appointed to the **Education/Higher Education Committee**.

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore* announces that Senator Swindell is removed from the **Mental Health & Youth Services Committee** and is appointed to the **Education/Public Instruction Committee**.

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ADDITIONAL SPONSOR

Senator Preston requests to be added as a sponsor of previously introduced legislation:

S.B. 1370, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NEW SALARY SCHEDULE FOR NONCERTIFIED PERSONNEL OF THE NORTH CAROLINA PUBLIC SCHOOLS.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Wednesday, April 18, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH A SEX OFFENSE WHO IS ORDERED TO BE TESTED FOR A SEXUALLY TRANSMITTED INFECTION MUST BE TESTED WITHIN FORTY-EIGHT HOURS OF THE COURT ORDER AND TO PROVIDE THAT HIV TESTING UNDER THESE PROVISIONS WILL USE THE VIRAL LOAD DETECTION METHOD OF DETERMINING HIV INFECTION.

Referred to the **Health Care Committee**.

H.B. 267 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL ANY INSTRUMENT THAT CAN BE USED TO ATOMIZE OR INTRODUCE A TOXIC VAPOR INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 280, A BILL TO BE ENTITLED AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN TRANSYLVANIA COUNTY APPOINTIVE.

Referred to the **Judiciary II Committee**.

H.B. 353 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ACCESS TO INFORMATION FOR PUBLIC HEALTH PURPOSES IN A MANNER THAT IS CONSISTENT WITH THE HEALTH INFORMATION PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) MEDICAL PRIVACY RULE.

Referred to the **Health Care Committee**.

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H.B. 865, A BILL TO BE ENTITLED AN ACT TO REMOVE BARRIERS TO ADOPTION FOR RESIDENTS OF OTHER STATES SEEKING TO ADOPT CHILDREN IN NORTH CAROLINA UNDER THE LAWS PERTAINING TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION.

Referred to the **Judiciary II Committee**.

H.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE REACH OF NORTH CAROLINA COURTS IN PROCEEDINGS TO TERMINATE THE PARENTAL RIGHTS OF NONRESIDENT PARENTS OF RESIDENT CHILDREN.

Referred to the **Judiciary II Committee**.

H.J.R. 868, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BROADWAY ON THE TOWN'S CENTENNIAL ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 941, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT ON DISPOSITION OF PROPERTY BY BRUNSWICK COUNTY SO THE GENERAL LAW WILL APPLY.

Referred to the **State & Local Government Committee**.

H.B. 1136 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE TOWNS OF DAVIDSON, FRANKLIN, AND MURPHY TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

Referred to the **State & Local Government Committee**.

H.B. 1176, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE STATE RIGHT-OF-WAY IN TYRRELL COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 1182, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE VILLAGE OF SUGAR MOUNTAIN TO EXTEND THE MAYOR'S TERM OF OFFICE FROM TWO YEARS TO FOUR YEARS.

Referred to the **State & Local Government Committee**.

H.B. 1185, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN JOHNSTON COUNTY.

Referred to the **State & Local Government Committee**.

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H.J.R. 1289, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BENJAMIN S. "BEN" RUFFIN, JR., FORMER CHAIR OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:33 P.M.

FORTY-NINTH DAY

Senate Chamber
Wednesday, April 18, 2007

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, O God, let us hear again your words, 'Choose this day whom you will serve.' In all the great and small choices we make this day, be in our choosing so that we may come to day's end knowing we have chosen wisely for you. Speak Lord, your servants are listening. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, April 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Cecil Thoppil from Mount Airy, North Carolina, who is serving the Senate as Doctor of the Day.

SEATING OF THE HONORABLE FLOYD B. MCKISSICK, JR.

The President recognizes Senator Basnight, President *Pro Tempore*, who announces that The Honorable Floyd B. McKissick, Jr. 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 Dannelly, Chair; Senator Atwater; Senator Kinnaird; Senator Soles; Senator Berger of Rockingham; and Senator Stevens as the Committee to escort Senator Floyd B. McKissick, Jr. to the Well of the Senate.

April 18, 2007

PROCLAMATION FROM THE GOVERNOR

The President instructs the Reading Clerk to read the Proclamation from the Governor appointing Senator Floyd B. McKissick, Jr., as follows:

THE APPOINTMENT OF FLOYD B. MCKISSICK, JR.

2007-2008

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable Jeanne Lucas, elected Senator from the Twentieth Senatorial District 2007-2008 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 Jeanne Lucas be filled by appointment of the person recommended by the Twentieth State Senate District Committee of the Democratic Party of North Carolina; and

WHEREAS, the Twentieth State Senate District Committee of the Democratic Party of North Carolina has notified me of its recommendation of Floyd B. McKissick, Jr., of Durham County, North Carolina, to fill the unexpired term,

I do by these presents appoint

FLOYD B. MCKISSICK, JR.

as a member of the

SENATE

2007-2008 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 seventeenth day of April in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred and thirty-first.

S/ Michael F. Easley
Governor

ATTEST:
S/ Elaine F. Marshall
Secretary of State

April 18, 2007

(Senator McKissick was administered the Oath of Office on April 18, 2007, by The Honorable Patricia Timmons-Goodson, Associate Justice of the Supreme Court of North Carolina of the General Court of Justice of the State of North Carolina.)

Senator McKissick is escorted to Seat No. 33.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 502, AN ACT TO REPEAL A BUDGET SPECIAL PROVISION CONCERNING HEALTH BENEFIT PLAN CO-PAYMENTS FOR CHIROPRACTIC SERVICES.

The Enrolling Clerk reports the following joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 190, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF ALBEMARLE ON THE CITY'S 150TH ANNIVERSARY. (Res. 24)

H.J.R. 1380, A JOINT RESOLUTION HONORING THE ELIZABETH CITY STATE UNIVERSITY BASKETBALL TEAM ON WINNING THE 2007 CENTRAL INTERCOLLEGIATE ATHLETIC ASSOCIATION (CIAA) BASKETBALL CONFERENCE CHAMPIONSHIP. (Res. 25)

S.J.R. 866, A JOINT RESOLUTION SETTING THE DATE FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES. (Res. 26)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1002, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND EXTEND THE RESTRICTIONS ON THE USE OF AUTOMATIC DIALING AND RECORDED MESSAGE PLAYERS TO MAKE UNSOLICITED TELEPHONE CALLS.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Select Committee on Government and Election Reform**.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

S.B. 583, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES IN THE PUBLIC HEALTH LAW RELATED TO THE MEDICAL EXAMINER SYSTEM, INJURY CONTROL EFFORTS, TIMELINESS OF REPORTS BY SCHOOLS REGARDING IMMUNIZATIONS, AND THE CREATION, EXTENSION, AND DISSOLUTION OF SANITARY DISTRICTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55402, is adopted and engrossed.

By Senator Dorsett for the **Information Technology Committee**:

S.B. 876, A BILL TO BE ENTITLED AN ACT INCREASING THE AMOUNT OF TIME AN AGENCY HAS TO REQUEST A REVIEW OF A DECISION BY THE STATE CHIEF INFORMATION OFFICER TO DENY OR SUSPEND APPROVAL OF AN INFORMATION TECHNOLOGY PROJECT OR DENY A REQUEST FOR A DEVIATION, with a favorable report.

S.B. 878, A BILL TO BE ENTITLED AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES, with a favorable report.

S.B. 879, A BILL TO BE ENTITLED AN ACT PROVIDING FOR ADDITIONAL PROJECT MANAGERS ON INFORMATION TECHNOLOGY PROJECTS AND INCREASING THE THRESHOLD FOR THE MANDATORY DESIGNATION OF PROJECT MANAGER ASSISTANTS BY THE STATE CHIEF INFORMATION OFFICER, with a favorable report.

By Senator Rand for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 1082, A BILL TO BE ENTITLED AN ACT TO REQUIRE LENDERS TO DISCLOSE COMMERCIAL LOAN INTEREST ACCRUAL

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SCHEDULES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65235, is adopted and engrossed.

S.B. 1166, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REAL PROPERTY COMMISSION WITH THE RESPONSIBILITY TO IDENTIFY UNDERUTILIZED, SELDOM USED, OR UNUSED STATE PROPERTY, IDENTIFY PROPERTIES THAT ARE NOT COST-EFFICIENT BASED ON THEIR CURRENT USE, AND OVERSEE THE OPERATION OF THE STATE PROPERTY SURPLUS PROPERTY DISPOSAL SYSTEM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85302, which changes the title to read **S.B. 1166** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REAL PROPERTY COMMISSION WITH THE RESPONSIBILITY TO IDENTIFY UNDERUTILIZED, SELDOM USED, OR UNUSED STATE PROPERTY, IDENTIFY PROPERTIES THAT ARE NOT COST-EFFICIENT BASED ON THEIR CURRENT USE, AND OVERSEE THE OPERATION OF THE STATE SURPLUS PROPERTY DISPOSAL SYSTEM, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Graham for the **State & Local Government Committee**:

S.B. 387, A BILL TO BE ENTITLED AN ACT TO ADOPT THE AYDEN COLLARD FESTIVAL AS THE OFFICIAL COLLARD FESTIVAL OF THE STATE OF NORTH CAROLINA, with a favorable report.

S.B. 607, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, with a favorable report.

S.B. 617, A BILL TO BE ENTITLED AN ACT EXEMPTING VEHICLES USED FOR CARPOOLING BY MECKLENBURG COUNTY EMPLOYEES AND NONEMPLOYEES FROM THE PROVISIONS OF G.S. 14-247, with a favorable report.

H.B. 366 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF CARY AND THE CITY OF HENDERSONVILLE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES, with a favorable report.

H.B. 867, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BOBBY S. STRICKLAND AND WIFE, PAULINE R. STRICKLAND, AND JOSEPH

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A. WARREN, JR., AND WIFE, LINDA B. WARREN, TO CONVEY CERTAIN LANDS TO THE TOWN OF SALEMBURG, with a favorable report.

S.B. 221, A BILL TO BE ENTITLED AN ACT CONCERNING INVESTMENTS OF THE CITY OF CHARLOTTE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75386, is adopted and engrossed.

S.B. 386, A BILL TO BE ENTITLED AN ACT TO CONFIRM THAT WARREN COUNTY BOARD OF EDUCATION MEMBERS ARE TO BE ELECTED FROM TOWNSHIPS AS PROVIDED IN CHAPTER 335 OF THE PUBLIC-LOCAL LAWS OF 1937, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55411, which changes the title to read **S.B. 386** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFIRM THAT WARREN COUNTY BOARD OF EDUCATION MEMBERS ARE TO BE ELECTED FROM TOWNSHIPS AS PROVIDED IN CHAPTER 335 OF THE PUBLIC-LOCAL LAWS OF 1937, AND TO PROVIDE THAT NEWLY ELECTED MEMBERS OF THAT BOARD TAKE OFFICE 30 DAYS AFTER CERTIFICATION OF THE ELECTION RESULTS, is adopted and engrossed.

S.B. 255 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENTAL ENTITY OUTSIDE OF POLK COUNTY MAY ANNEX ANY PORTION OF THAT COUNTY OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO POLK COUNTY, 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, 85301, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE COMMISSION FOR HEALTH SERVICES TO BETTER REFLECT THE FUNCTIONS AND DUTIES PERFORMED BY THE DIVISION AND THE COMMISSION.

Upon motion of Senator Purcell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 25.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

April 18, 2007

By Senator Malone for the **Education/Public Instruction Committee**:

H.B. 484 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING AMERICAN RENAISSANCE MIDDLE SCHOOL AND AMERICAN RENAISSANCE CHARTER SCHOOL TO MERGE AND OPERATE AS A SINGLE CHARTER SCHOOL UNDER THE CHARTER OF AMERICAN RENAISSANCE MIDDLE SCHOOL AND TO DIRECT THE NEWLY CONSOLIDATED SCHOOL TO AMEND ITS CHARTER ACCORDINGLY AND TO DIRECT AMERICAN RENAISSANCE CHARTER SCHOOL TO RELINQUISH ITS CHARTER TO THE STATE BOARD OF EDUCATION, with a favorable report.

The Senate recesses at 3:17 P.M. for the purpose of an Education/Higher Education Committee meeting to reconvene at 3:27 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

S.B. 642 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MCADENVILLE AND ANNEX IT TO THE TOWN OF CRAMERTON, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---50.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 180, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF FOUR OAKS, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly,

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Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---50.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THOSE GOLF CARTS THAT MAY BE REGULATED IN THE TOWNS OF BENSON, BLADENBORO, CHADBOURN, CLARKTON, ELIZABETHTOWN, ROSE HILL, AND TABOR CITY AND TO AUTHORIZE THE TOWN OF FOUR OAKS TO REGULATE GOLF CARTS, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---50.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 326 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF GREEN LEVEL AND CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF OAK ISLAND, upon third reading.

The Senate 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---50.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence.

S.B. 1196 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT.

Senator Hartsell offers Amendment No. 1 which is adopted (50-0).

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The amendment is ruled to be material, which constitutes first reading.

Senator Goodall offers Amendment No. 2 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 Thursday, April 19, upon second reading.

S.B. 1465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998 AND TO ASSIST FARMERS TO VOLUNTARILY CONVERT TO INNOVATIVE ANIMAL WASTE MANAGEMENT SYSTEMS.

The Committee Substitute bill passes its second reading (50-0).

Senator Garrou objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, April 19, upon third reading.

H.B. 552 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUALIFIED IMMUNITY FOR PERSONS SERVING ON LOCAL BOARDS OF TRUSTEES OF THE FIREMEN'S RELIEF FUND OF NORTH CAROLINA.

The Senate Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives for concurrence.

S.B. 180 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ALTERNATE JUROR MAY REPLACE A JUROR WHO IS UNABLE TO PERFORM THE JUROR'S DUTIES, IS DISQUALIFIED FROM PERFORMING THE JUROR'S DUTIES, OR IS DISCHARGED FOR MISCONDUCT OR OTHER EXTRAORDINARY CAUSE DURING DELIBERATION BY THE JURY ON THE ISSUES.

The Committee Substitute bill passes its third reading (50-0) and is ordered sent to the House of Representatives.

Upon motion of Senator Dannelly, seconded by Senator McKissick, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Thursday, April 19, at 11:00 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 367 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW REGULATING THE SALE OF CERTAIN METALS BY SECONDARY METALS RECYCLERS, TO ADD WIRELESS AND CABLE TELECOMMUNICATIONS EQUIPMENT TO THE STATUTE PROVIDING PENALTIES FOR THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, AND TO

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INCREASE THE CRIMINAL PENALTIES FOR VIOLATIONS OF THOSE REGULATIONS OF THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES.

Referred to the **Judiciary I Committee**.

H.B. 384 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE LAWS PERTAINING TO THE FISCAL OPERATIONS OF THE COMMUNITY COLLEGE SYSTEM.

Referred to the **Education/Higher Education Committee**.

H.B. 538 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF BADIN, CAROLINA BEACH, EMERALD ISLE, FREEMONT, FAISON, INDIAN BEACH, KINGS MOUNTAIN, KURE BEACH, SHELBY AND WRIGHTSVILLE BEACH TO ADOPT ORDINANCES REGULATING GOLF CARTS.

Referred to the **Finance Committee**.

H.B. 581, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING MEETINGS OF COMMUNITY COLLEGE TRUSTEES.

Referred to the **Education/Higher Education Committee**.

H.B. 583, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR PARTICIPATION IN A COMMUNITY COLLEGE LATERAL ENTRY PROGRAM.

Referred to the **Education/Higher Education Committee**.

H.B. 810, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TRAINING AND QUALIFICATION REQUIREMENTS APPLICABLE TO ANIMAL WASTE MANAGEMENT TECHNICAL SPECIALISTS IN THE PROVISION OF SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 817 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA RESIDENTIAL MORTGAGE FRAUD ACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:06 P.M.

April 18, 2007

FIFTIETH DAY

Senate Chamber
Thursday, April 19, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Dr. Larry Hovis, Coordinator for Cooperative Baptist Fellowship of North Carolina, Winston-Salem, North Carolina as follows:

"Almighty God, we give you thanks this day for all of your blessings, but especially your gifts of life, liberty and love. With thanks for our own lives, we pray for the families of those who have recently lost their lives, especially the Virginia Tech community. With gratitude for the liberty we enjoy in our wonderful State and Nation, we pray for those who lack freedom in other lands, or even in this, 'the goodliest land,' whether their bondage be physical, emotional, economic or spiritual. With heartfelt appreciation for our families and friends and communities who constantly shower us with love and support, we pray for those who feel as if they are all alone and have no one to care for them. Lead these Senators, gathered guests, and the citizens of our State to use whatever abilities and opportunities you place in our path, to share your gifts of life, liberty and love, from the mountains to the sea to the rest of our Nation and world. Amen."

The Chair grants leaves of absence for today to Senator Dalton, Senator Graham and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, April 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Andrew Miller II from Gastonia, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 666, AN ACT TO AUTHORIZE AN EXPANSION OF THE MEMBERSHIP OF THE NORTH CAROLINA INSTITUTE OF MEDICINE.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

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S.B. 231, AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN TRANSYLVANIA COUNTY APPOINTIVE.

H.B. 181, AN ACT TO AMEND THOSE GOLF CARTS THAT MAY BE REGULATED IN THE TOWNS OF BENSON, BLADENBORO, CHADBOURN, CLARKTON, ELIZABETHTOWN, ROSE HILL, AND TABOR CITY AND TO AUTHORIZE THE TOWN OF FOUR OAKS TO REGULATE GOLF CARTS.

H.B. 180, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF FOUR OAKS.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 255 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROVIDING THAT NO GOVERNMENTAL ENTITY OUTSIDE OF POLK COUNTY MAY ANNEX ANY PORTION OF THAT COUNTY OR EXTEND ITS EXTRATERRITORIAL JURISDICTION INTO POLK COUNTY.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 387, A BILL TO BE ENTITLED AN ACT TO ADOPT THE AYDEN COLLARD FESTIVAL AS THE OFFICIAL COLLARD FESTIVAL OF THE STATE OF NORTH CAROLINA.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

S.B. 982, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE REQUIREMENT FOR AN IMMUNIZATION CERTIFICATE FROM CERTAIN COLLEGE STUDENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75389, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

S.B. 417, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE TOWN OF WILKESBORO, with an

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unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55427, is adopted and engrossed.

S.B. 489, A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX OF THE CITY OF LUMBERTON, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15071, is adopted and engrossed.

S.B. 1199, A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS IN THE LOCAL DEVELOPMENT ACT AND THE POPULATION REQUIREMENTS FOR AGRARIAN GROWTH ZONES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15072, which changes the title to read **S.B. 1199** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS IN THE LOCAL DEVELOPMENT ACT, TO CLARIFY URBAN PROGRESS ZONES AND AGRARIAN GROWTH ZONES, TO ALLOW MORE THAN ONE AGRARIAN GROWTH ZONE IN A COUNTY, TO CLARIFY WHEN THE LAST REPORT IS DUE FOR THE REPEALED LEE ACT CREDITS, AND TO MAKE TECHNICAL CHANGES CONCERNING THE TAX CREDITS FOR GROWING BUSINESSES, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 617, A BILL TO BE ENTITLED AN ACT EXEMPTING VEHICLES USED FOR CARPOOLING BY MECKLENBURG COUNTY EMPLOYEES AND NONEMPLOYEES FROM THE PROVISIONS OF G.S. 14-247.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **State & Local Government Committee**.

S.B. 221 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING INVESTMENTS OF THE CITY OF CHARLOTTE.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 386 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFIRM THAT WARREN COUNTY BOARD OF EDUCATION MEMBERS ARE TO BE ELECTED FROM TOWNSHIPS AS PROVIDED IN CHAPTER 335 OF THE PUBLIC-LOCAL LAWS OF 1937, AND TO PROVIDE THAT NEWLY ELECTED MEMBERS OF THAT BOARD TAKE OFFICE 30 DAYS AFTER CERTIFICATION OF THE ELECTION RESULTS.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 607, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

H.B. 366 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF CARY AND THE CITY OF HENDERSONVILLE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 484 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING AMERICAN RENAISSANCE MIDDLE SCHOOL AND AMERICAN RENAISSANCE CHARTER SCHOOL TO MERGE AND OPERATE AS A SINGLE CHARTER SCHOOL UNDER THE CHARTER OF AMERICAN RENAISSANCE MIDDLE SCHOOL AND TO DIRECT THE NEWLY CONSOLIDATED SCHOOL TO AMEND ITS CHARTER ACCORDINGLY AND TO DIRECT AMERICAN RENAISSANCE CHARTER SCHOOL TO RELINQUISH ITS CHARTER TO THE STATE BOARD OF EDUCATION.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled.

H.B. 867, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BOBBY S. STRICKLAND AND WIFE, PAULINE R. STRICKLAND, AND JOSEPH A. WARREN, JR., AND WIFE, LINDA B. WARREN, TO CONVEY CERTAIN LANDS TO THE TOWN OF SALEMBURG.

The bill passes its second (43-0) and third readings and is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

S.B. 487, A BILL TO BE ENTITLED AN ACT TO EXTEND THE REPORTING DEADLINE FOR THE STATE AND LOCAL FISCAL MODERNIZATION STUDY COMMISSION, referred to the **Rules and Operations of the Senate Committee** on March 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, April 24, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, April 24.

April 19, 2007

CALENDAR (*continued*)

S.B. 1196 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 24.

S.B. 583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES IN THE PUBLIC HEALTH LAW RELATED TO THE MEDICAL EXAMINER SYSTEM, INJURY CONTROL EFFORTS, TIMELINESS OF REPORTS BY SCHOOLS REGARDING IMMUNIZATIONS, AND THE CREATION, EXTENSION, AND DISSOLUTION OF SANITARY DISTRICTS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 876, A BILL TO BE ENTITLED AN ACT INCREASING THE AMOUNT OF TIME AN AGENCY HAS TO REQUEST A REVIEW OF A DECISION BY THE STATE CHIEF INFORMATION OFFICER TO DENY OR SUSPEND APPROVAL OF AN INFORMATION TECHNOLOGY PROJECT OR DENY A REQUEST FOR A DEVIATION.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 878, A BILL TO BE ENTITLED AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 879, A BILL TO BE ENTITLED AN ACT PROVIDING FOR ADDITIONAL PROJECT MANAGERS ON INFORMATION TECHNOLOGY PROJECTS AND INCREASING THE THRESHOLD FOR THE MANDATORY DESIGNATION OF PROJECT MANAGER ASSISTANTS BY THE STATE CHIEF INFORMATION OFFICER.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1082 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LENDERS TO DISCLOSE COMMERCIAL LOAN INTEREST ACCRUAL SCHEDULES.

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The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998 AND TO ASSIST FARMERS TO VOLUNTARILY CONVERT TO INNOVATIVE ANIMAL WASTE MANAGEMENT SYSTEMS.

Senator Albertson offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives.

Upon motion of Senator Basnight, seconded by Senator Atwater, the Senate adjourns with thoughts and prayers for the Virginia Tech families subject to reading of messages from the House of Representatives, to meet Monday, April 23, at 7:00 P.M.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 184 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW JUDICIAL OFFICERS TO LIST A BUSINESS ADDRESS ON A STATEMENT OF ECONOMIC INTEREST AND TO KEEP THEIR HOME ADDRESSES AND THE NAMES OF THEIR UNEMANCIPATED MINOR CHILDREN CONFIDENTIAL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, April 23, for concurrence.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:39 A.M.

FIFTY-FIRST DAY

Senate Chamber
Monday, April 23, 2007

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.

April 23, 2007

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, without you we can do nothing and with you all things are possible. Never let our strong wills or personal pride keep us from confessing and believing that statement. In the important decisions that must be made this week in the Senate, help us O God, when we want to do the right thing but don't know yet what it is. Help us most when we know very well what we ought to do but don't want to do it. Have mercy on us and help us. In your holy name we pray. Amen."

The Chair grants leaves of absence for tonight to Senator Apodaca and Senator Graham.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, April 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Richard Adelman from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Baer from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Select Committee on Government and Election Reform**:

S.B. 659, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ELECTED OFFICIALS WHO ARE MEMBERS OF THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, OR THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM SHALL FORFEIT THEIR PENSIONS UPON CONVICTION OF A STATE OR FEDERAL OFFENSE INVOLVING PUBLIC CORRUPTION OR A FELONY VIOLATION OF ELECTION LAWS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35362, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

S.B. 103, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A PROSTATE CANCER

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AWARENESS 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 35361, which changes the title to read **S.B. 103** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR SPECIAL PLATE; TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS; TO ELIMINATE THE ADDITIONAL FEE AMOUNT FOR THE BREAST CANCER AWARENESS PLATE; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: PROSTATE CANCER AWARENESS, JUVENILE DIABETES RESEARCH, BREAST CANCER EARLIER DETECTION, AND HOSPICE CARE, is adopted and engrossed.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 496, AN ACT TO AUTHORIZE PERQUIMANS COUNTY TO LEVY A ROOM OCCUPANCY TAX.

H.B. 366, AN ACT TO PERMIT THE TOWN OF CARY AND THE CITY OF HENDERSONVILLE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES.

H.B. 484, AN ACT AUTHORIZING AMERICAN RENAISSANCE MIDDLE SCHOOL AND AMERICAN RENAISSANCE CHARTER SCHOOL TO MERGE AND OPERATE AS A SINGLE CHARTER SCHOOL UNDER THE CHARTER OF AMERICAN RENAISSANCE MIDDLE SCHOOL AND TO DIRECT THE NEWLY CONSOLIDATED SCHOOL TO AMEND ITS CHARTER ACCORDINGLY AND TO DIRECT AMERICAN RENAISSANCE CHARTER SCHOOL TO RELINQUISH ITS CHARTER TO THE STATE BOARD OF EDUCATION.

H.B. 867, AN ACT TO AUTHORIZE BOBBY S. STRICKLAND AND WIFE, PAULINE R. STRICKLAND, AND JOSEPH A. WARREN, JR., AND WIFE, LINDA B. WARREN, TO CONVEY CERTAIN LANDS TO THE TOWN OF SALEMBURG.

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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. 231, AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN TRANSYLVANIA COUNTY APPOINTIVE. (Became law upon ratification, April 19, 2007 - S.L. 2007-16.)

H.B. 180, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF FOUR OAKS. (Became law upon ratification, April 19, 2007 - S.L. 2007-17.)

H.B. 181, AN ACT TO AMEND THOSE GOLF CARTS THAT MAY BE REGULATED IN THE TOWNS OF BENSON, BLADENBORO, CHADBOURN, CLARKTON, ELIZABETHTOWN, ROSE HILL, AND TABOR CITY AND TO AUTHORIZE THE TOWN OF FOUR OAKS TO REGULATE GOLF CARTS. (Became law upon ratification, April 19, 2007 - S.L. 2007-18.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 226, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCOTLAND COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

H.B. 541 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CONCERNING INVESTMENTS OF THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY.

Referred to the **Finance Committee**.

H.B. 573, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

Referred to the **Judiciary II Committee**.

H.B. 628 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A UNIFORM SLIDING FEE SCHEDULE FOR MH/DD/SA SERVICES AS RECOMMENDED BY THE JOINT

April 23, 2007

LEGISLATIVE OVERSIGHT COMMITTEE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Health Care Committee**.

H.B. 958, A BILL TO BE ENTITLED AN ACT ADOPTING THE AMERICAN BULLFROG AS THE OFFICIAL AMPHIBIAN OF THE STATE OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1089 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF FRANKLINTON TO PROVIDE FOR A COUNCIL-MANAGER FORM OF GOVERNMENT.

Referred to the **Finance Committee**.

H.B. 1112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MATTHEWS TO USE PROCEEDS FROM THE MOTOR VEHICLE TAX, ASSESSED PURSUANT TO G.S. 20-97, FOR ROAD CONSTRUCTION, MAINTENANCE, AND REPAIR, INCLUDING SIDEWALKS, OR FOR PUBLIC MASS TRANSIT SYSTEMS AND MASS TRANSIT-RELATED ACTIVITIES.

Referred to the **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 828, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANKLIN THOMAS "FRANK" TADLOCK, FORMER COMMISSIONER OF ROWAN COUNTY.

Referred to the **Rules and Operations of the Senate Committee**.

MESSAGE FROM THE GOVERNOR

The following special message is received from the Governor:

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER·RALEIGH, NC 27699-0301**

MICHAEL F. EASLEY
GOVERNOR

April 18, 2007

The Honorable Beverly Perdue
Lieutenant Governor

April 23, 2007

20401 Mail Service Center
Raleigh, NC 27699

Dear Lieutenant Governor Perdue:

Pursuant to G.S. § 135-6, I hereby submit to you the name of Mr. Mark L. Foster for consideration to the North Carolina Teachers' and State Employees' Retirement System Board of Trustees. His term is effective immediately pending confirmation by the North Carolina Senate and will expire on March 31, 2011.

Enclosed is a copy of Mr. Foster's biographical information. If further information is needed or desired, please feel free to call on him or contact Sara R. Allen, Director of Boards and Commissions, at (919) 715-0966.

With kindest regards, I remain

Very Truly Yours,
S/Mike Easley

MFE: as
Enclosures

cc: The Honorable Marc Basnight
Ms. Janet Pruitt

Referred to the **Pensions & Retirement and Aging Committee.**

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 489 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX OF THE CITY OF LUMBERTON, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: Senators Brock, Forrester and Pittenger---3.

The Committee Substitute bill remains on the Calendar for Tuesday, April 24, upon third reading.

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S.B. 417 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE TOWN OF WILKESBORO.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS IN THE LOCAL DEVELOPMENT ACT, TO CLARIFY URBAN PROGRESS ZONES AND AGRARIAN GROWTH ZONES, TO ALLOW MORE THAN ONE AGRARIAN GROWTH ZONE IN A COUNTY, TO CLARIFY WHEN THE LAST REPORT IS DUE FOR THE REPEALED LEE ACT CREDITS, AND TO MAKE TECHNICAL CHANGES CONCERNING THE TAX CREDITS FOR GROWING BUSINESSES, 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, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Tuesday, April 24, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Malone for the **Education/Public Instruction Committee**:

S.B. 742, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TEACHERS ARE NOT PENALIZED FOR TAKING PERSONAL LEAVE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55425, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1008, A BILL TO BE ENTITLED AN ACT TO PROVIDE PERSONAL LEAVE FOR TEACHER ASSISTANTS WHO ARE REQUIRED BY FEDERAL LAW TO HAVE A SUBSTITUTE WHEN THEY ARE OUT OF THE CLASSROOM, 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 65236, which changes the title to read **S.B. 1008** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PERSONAL LEAVE FOR TEACHER ASSISTANTS WHO ARE REQUIRED BY LAW TO HAVE A SUBSTITUTE WHEN THEY ARE OUT OF THE CLASSROOM, is adopted and engrossed.

Upon motion of Senator Malone, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1110, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CALCULATION OF THE DROPOUT RATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55428, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 982 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE REQUIREMENT FOR AN IMMUNIZATION CERTIFICATE FROM CERTAIN COLLEGE STUDENTS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 184 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW JUDICIAL OFFICERS TO LIST A BUSINESS ADDRESS ON A STATEMENT OF ECONOMIC INTEREST AND TO KEEP THEIR HOME ADDRESSES AND THE NAMES OF THEIR UNEMANCIPATED MINOR CHILDREN CONFIDENTIAL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Sonia Ali, Concord, exchange student from Pakistan; Rose Andrade, Wendell, exchange student from Brazil; Brittany Berry, Spring Lake; Curran Blackwell, Wilson; Dylan Gilroy, Cary; Sidney Grantham, Raleigh; A Reum Kang, Wilson, exchange student from South Korea; Shiori Kobayashi, Clayton, exchange student from Japan; Lucia Kopiarova, Fuquay-Varina, exchange student from Slovakia; Bozena Kusovac, Charlotte, exchange student from Montenegro; Masha Lepekhina, Wilson, exchange student from Russia; Bruno Lobo, Clayton, exchange student from Brazil; Britany Lynn, Cary; Regina Oralkova, Princeton, exchange student from Czech Republic; Candi Pigford,

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Garner; Harrison Smith, Clayton; Jan Vasourek, Wendell, exchange student from Czech Republic; Heather Watson, Raleigh; Perrinetta Williams, Clayton; and Chris Wojtyczka, Clayton, exchange student from Poland.

WITHDRAWAL FROM COMMITTEE

S.B. 191, A BILL TO BE ENTITLED AN ACT TO ADD FIVE PROFESSIONAL DEVELOPMENT DAYS FOR TEACHERS TO THE SCHOOL CALENDAR, referred to the **Education/Higher Education Committee** on February 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Education/Public Instruction Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Education/Public Instruction Committee**.

Upon motion of Senator Dannelly, seconded by Senator Kinnaird, the Senate adjourns at 7:26 P.M. subject to reading of messages from the House of Representatives, to meet Tuesday, April 24, at 3:00 P.M.

FIFTY-SECOND DAY

Senate Chamber
Tuesday, April 24, 2007

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 Roderick D. Stone, Pastor of Community Presbyterian Church, Pinehurst, North Carolina as follows:

"Loving God of us all, as we begin the Assembly this day we pause to remember that you are the potter, we are the clay. Mold us and make us after thy will. Have thy own way. Lord, we come to you today in humility asking for your guidance. At this time of year, the Senate is busy with so much to do. I'm sure the pressures that are placed upon this Body are immense. The realities of political life are complex. The demands are great. The temptations are many. You know the voices that try to influence this Body. They come from all

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directions, many trying to convince them that their opinions and concerns are the right ones or the most important ones. I pray your presence and your blessing upon all in this building as decisions are made which will impact the people of this State. Grant this Body discernment and wisdom in their decisions, particularly as they enact laws, vote on legislation and work together for the common good. Help your public servants look with clarity and integrity not only upon the present challenges, but also to the future so that they may benefit the generations to come. Give this Assembly understanding and grace under fire to do the people's business to the best of their ability. May each Senator speak from the heart guided by your everlasting truth. May their integrity never be for sale, and may they always guard your values of freedom, equality and justice for all. As they work through the business at hand, may they do it with an understanding and forgiving spirit, demonstrating compassion and respect for one another. Empower our Senators with the pursuit of the good, so that they in turn may empower the citizens of North Carolina in the pursuit of the good. May the spirit displayed here this day witness to the spirit we all want the people of this State to hold. Be present with each person here and all the support staff behind the scenes so your will may be done. In your Holy name we pray. Amen."

The Chair grants leaves of absence for today to Senator Apodaca, Senator Garrou, Senator Graham and Senator Smith.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, April 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The 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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee:**

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE
2007-2008

Senator A.B. Swindell, Senior Chair
Room 629, LOB
Raleigh, NC
(919) 715-3030

April 24, 2007

April 24, 2007

MEMORANDUM

TO: Members of the Senate

FROM: Senator Swindell, Senior Chair

RE: The State Board of Community Colleges Election

The Senate Committee on Education/High Education nominates the following individual for election by the Senate for membership to a six-year term, beginning July 1, 2007, on the State Board of Community Colleges.

G. Gordon Greenwood

No additional nominees shall be received from the floor.

S/A.B. Swindell, Senior Chair
Education/Higher Education Committee

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 184, AN ACT TO ALLOW JUDICIAL OFFICERS TO LIST A BUSINESS ADDRESS ON A STATEMENT OF ECONOMIC INTEREST AND TO KEEP THEIR HOME ADDRESSES AND THE NAMES OF THEIR UNEMANCIPATED MINOR CHILDREN CONFIDENTIAL.

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. 496, AN ACT TO AUTHORIZE PERQUIMANS COUNTY TO LEVY A ROOM OCCUPANCY TAX. (Became law upon ratification, April 23, 2007 - S.L. 2007-19.)

H.B. 867, AN ACT TO AUTHORIZE BOBBY S. STRICKLAND AND WIFE, PAULINE R. STRICKLAND, AND JOSEPH A. WARREN, JR., AND WIFE, LINDA B. WARREN, TO CONVEY CERTAIN LANDS TO THE TOWN OF SALEMBURG. (Became law upon ratification, April 23, 2007 - S.L. 2007-20.)

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H.B. 484, AN ACT AUTHORIZING AMERICAN RENAISSANCE MIDDLE SCHOOL AND AMERICAN RENAISSANCE CHARTER SCHOOL TO MERGE AND OPERATE AS A SINGLE CHARTER SCHOOL UNDER THE CHARTER OF AMERICAN RENAISSANCE MIDDLE SCHOOL AND TO DIRECT THE NEWLY CONSOLIDATED SCHOOL TO AMEND ITS CHARTER ACCORDINGLY AND TO DIRECT AMERICAN RENAISSANCE CHARTER SCHOOL TO RELINQUISH ITS CHARTER TO THE STATE BOARD OF EDUCATION. (Became law upon ratification, April 23, 2007 - S.L. 2007-21.)

H.B. 366, AN ACT TO PERMIT THE TOWN OF CARY AND THE CITY OF HENDERSONVILLE TO DESIGNATE SOMEONE OTHER THAN THE CITY CLERK TO ISSUE CLOSING-OUT SALE LICENSES. (Became law upon ratification, April 23, 2007 - S.L. 2007-22.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 544, A BILL TO BE ENTITLED AN ACT TO RESTATE THE CHARTER OF CABARRUS MEMORIAL HOSPITAL, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Finance Committee**.

S.B. 947, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CONFORMING, AND OTHER CHANGES TO THE UNIFORM TRUST CODE AND OTHER RELATED STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15068, is adopted and engrossed.

S.B. 1359, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN EXCEPTION TO G.S. 20-158 RELATING TO MOTORCYCLES AND TRAFFIC-CONTROL SIGNALS ACTIVATED BY VEHICLE DETECTION DEVICES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55429, which changes the title to read **S.B. 1359** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DRIVER OF A MOTORCYCLE TO PROCEED THROUGH AN INTERSECTION CONTROLLED BY A TRAFFIC SIGNAL ONLY IF THE TRAFFIC SIGNAL USES AN INDUCTIVE LOOP VEHICLE SENSOR THAT ACTIVATES THE TRAFFIC SIGNAL AND THE INDUCTIVE LOOP FAILS TO DETECT THE MOTORCYCLE AND ACTIVATE THE TRAFFIC SIGNAL, is adopted and engrossed.

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By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee:**

H.B. 895, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE INSURANCE LAWS TO MUTUAL AID ASSOCIATIONS SERVING PRESENT AND PAST MEMBERS OF THE ARMED FORCES AND SEA SERVICES OF THE UNITED STATES, with a favorable report.

S.B. 1058, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE FRAUDULENT OBTAINING, SELLING, OR SOLICITING OF TELEPHONE RECORDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75390, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 489 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX OF THE CITY OF LUMBERTON, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: Senators Brock, Forrester and Pittenger---3.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS IN THE LOCAL DEVELOPMENT ACT, TO CLARIFY URBAN PROGRESS ZONES AND AGRARIAN GROWTH ZONES, TO ALLOW MORE THAN ONE AGRARIAN GROWTH ZONE IN A COUNTY, TO CLARIFY WHEN THE LAST REPORT IS DUE FOR THE REPEALED LEE ACT CREDITS, AND TO MAKE TECHNICAL CHANGES CONCERNING THE TAX CREDITS FOR GROWING BUSINESSES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight,

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Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1196 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Wednesday, April 25, upon third reading.

S.B. 103 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR SPECIAL PLATE; TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS; TO ELIMINATE THE ADDITIONAL FEE AMOUNT FOR THE BREAST CANCER AWARENESS PLATE; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: PROSTATE CANCER AWARENESS, JUVENILE DIABETES RESEARCH, BREAST CANCER EARLIER DETECTION, AND HOSPICE CARE.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 337 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURE OF LOCAL MANAGEMENT ENTITY BOARDS PERTAINING TO THE SERVICE OF COUNTY MANAGERS.

Upon motion of Senator Snow, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 1.

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S.B. 487, A BILL TO BE ENTITLED AN ACT TO EXTEND THE REPORTING DEADLINE FOR THE STATE AND LOCAL FISCAL MODERNIZATION STUDY COMMISSION.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 659 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ELECTED OFFICIALS WHO ARE MEMBERS OF THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, OR THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM SHALL FORFEIT THEIR PENSIONS UPON CONVICTION OF A STATE OR FEDERAL OFFENSE INVOLVING PUBLIC CORRUPTION OR A FELONY VIOLATION OF ELECTION LAWS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CALCULATION OF THE DROPOUT RATE.

The Committee Substitute bill passes its second reading (45-0).

Senator Hagan objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, April 25, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 406, A BILL TO BE ENTITLED AN ACT TO ADOPT THE AYDEN COLLARD FESTIVAL AS THE OFFICIAL COLLARD FESTIVAL OF THE STATE OF NORTH CAROLINA, with a favorable report.

S.B. 1466, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA DEPARTMENT OF LABOR, MAKE CHANGES TO ARTICLE 19 OF CHAPTER 95 OF THE GENERAL STATUTES, AND DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL 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 75391, which changes the title to read **S.B. 1466** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ARTICLE 19 OF CHAPTER

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95 OF THE GENERAL STATUTES AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 874, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS, referred to the **Education/Higher Education Committee** on March 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Education/Public Instruction Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Education/Public Instruction Committee**.

Upon motion of Senator Dannelly, seconded by Senator Hoyle, the Senate adjourns subject to reading of messages from the House of Representatives and committee appointments, to meet Wednesday, April 25, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 530 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING HARNETT COUNTY TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT EXPANSION PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 548 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MAYOR OF THE CITY OF BREVARD IS ELECTED TO A FOUR-YEAR TERM, AND TO MAKE CONFORMING CHANGES CONCERNING FILLING OF VACANCIES.

Referred to the **State & Local Government Committee**.

H.B. 680, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT AND TO REVISE SERVICE REQUIREMENTS TO CONFORM WITH RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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H.B. 724 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES IN THE PUBLIC HEALTH LAW RELATED TO THE MEDICAL EXAMINER SYSTEM, INJURY CONTROL EFFORTS, TIMELINESS OF REPORTS BY SCHOOLS REGARDING IMMUNIZATIONS, AND THE CREATION, EXTENSION, AND DISSOLUTION OF SANITARY DISTRICTS.

The Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk pending referral.

H.B. 922 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION.

Referred to the **State & Local Government Committee**.

H.B. 1094, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PUNISHMENTS FOR UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

Referred to the **Judiciary I Committee**.

H.B. 1143, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN STANLY COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 1164, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

H.B. 1202, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF SALISBURY TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS.

Referred to the **State & Local Government Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:42 P.M.

FIFTY-THIRD DAY

Senate Chamber
Wednesday, April 25, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, during yesterday's staff meeting at church my mind wandered a little down a couple of blocks to this Senate Chamber. Rather than opening a session with prayer, I thought, why not print a hymn and have the Members and staff sing accapella to your glory. I pictured those who would sing bass, soprano, alto, and tenor, lifting voice in glad appreciation for your guidance and goodness. Can you imagine how that would look and sound and feel? Then I remembered this Senate of North Carolina. I could never find a hymn on which everyone would agree. So in this moment, we lift through silent voices, the chorus of our favorite hymns, O God, because we are grateful for all of your blessings on our behalf and because we know that you appreciate such praise. Hear us. Amen"

The Chair grants a leave of absence for today to Senator Atwater and Senator Graham.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, April 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Charles Boyette from Belhaven, North Carolina, who is serving the Senate as Doctor of the Day, and to Lindsay Allen 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 Nesbitt for the **Judiciary I Committee**:

S.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROFESSIONAL HOUSEMOVING STATUTES CONTAINED IN ARTICLE 16 OF CHAPTER 20 OF THE GENERAL

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STATUTES, 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, 55431, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 677, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55432, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 881, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RESIDENCY REQUIREMENTS FOR LICENSURE UNDER THE LAWS PERTAINING TO BAIL BONDSMEN AND RUNNERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55430, which changes the title to read **S.B. 881** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE THE RESIDENCY REQUIREMENTS FOR LICENSURE UNDER THE LAWS PERTAINING TO BAIL BONDSMEN AND RUNNERS AND TO MAKE OTHER STYLISTIC CHANGES, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Queen for the **Education/Public Instruction Committee**:

S.B. 1292, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT A POLICY REQUIRING TEACHERS TO TAKE CREDITS IN THEIR ACADEMIC SUBJECT AREA AS PART OF THE LICENSURE RENEWAL PROCESS, with a favorable report.

S.B. 1532, A BILL TO BE ENTITLED AN ACT TO DELAY IMPLEMENTATION OF THE NEW HIGH SCHOOL CORE CURRICULUM UNTIL ITS INTENDED EFFECT AND UNINTENDED CONSEQUENCES ARE STUDIED THOROUGHLY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75392, which changes the title to read **S.B. 1532** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FUTURE-READY CORE HIGH SCHOOL GRADUATION REQUIREMENTS ADOPTED BY THE STATE BOARD OF EDUCATION, is adopted and engrossed.

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WITHDRAWAL FROM COMMITTEE

S.J.R. 1390, A JOINT RESOLUTION HONORING THE LIFE AND CAREER OF MILDRED THOMAS, FORMER REGISTER OF DEEDS OF ONSLOW COUNTY, referred to the **Rules and Operations of the Senate Committee** on March 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, May 2, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, May 2.

S.B. 112, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE E-NC AUTHORITY TO INCREASE THE AVAILABILITY OF INTERNET CONNECTIVITY IN UNDERSERVED AREAS OF THE STATE THROUGH INCENTIVE GRANTS, TO PROVIDE ADDITIONAL FUNDING FOR GENERAL OPERATIONS, TO EXPAND THE FUNDING FOR THE E-NC BUSINESS AND TECHNOLOGY TELECENTERS PROGRAM, AND TO PROVIDE INCENTIVES TO E-COMMUNITIES, LOCAL E-GOVERNMENT UTILIZATION PROGRAM PARTICIPANTS, AND E-COMMERCE INITIATIVES, referred to the **Appropriations/Base Budget Committee** on February 12.

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 **Information Technology Committee** and upon a favorable report re-referred to **Appropriations/Base Budget Committee** which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Information Technology Committee** and upon a favorable report re-referred to **Appropriations/Base Budget Committee**.

S.B. 1552, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DEVELOPMENT OF AN ENTERPRISE APPROACH TO THE STATE'S ABILITY TO EFFICIENTLY RETRIEVE AND SHARE DATA AND INFORMATION IN STATE GOVERNMENT; ENABLE STATE LEADERS, POLICYMAKERS, LOCAL GOVERNMENTS, AND THE PUBLIC TO ACCESS TIMELY, COMPLETE, AND ACCURATE INFORMATION ON GOVERNMENTAL AND PROGRAMMATIC OPERATIONS; AND ENHANCE THE ABILITY TO BETTER IDENTIFY AND UNDERSTAND ISSUES AND TO MAKE THE BEST DECISIONS FOR NORTH CAROLINA, referred to the **Appropriations/Base Budget Committee** on March 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be

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withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Information Technology Committee** and upon a favorable report re-referred to **Appropriations/Base Budget Committee** which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Information Technology Committee** and upon a favorable report re-referred to **Appropriations/Base Budget Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator East for the **State & Local Government Committee**:

S.B. 530, A BILL TO BE ENTITLED AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF ENERGY SAVING TECHNOLOGIES, with a favorable report.

S.B. 531, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE 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 East, the bill is re-referred to the **Finance Committee**.

S.B. 1313, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO STUDY THE DESIRABILITY AND FEASIBILITY OF OTHER STATE AGENCIES USING THE DEPARTMENT OF TRANSPORTATION'S FUELING STATIONS ACROSS THE STATE IN AN EFFORT TO DISPLACE OR REDUCE THE AMOUNT OF PETROLEUM THAT STATE AGENCIES ARE USING FOR STATE-OWNED VEHICLE FLEETS AND TO ASSIST STATE AGENCIES IN ACHIEVING THEIR TWENTY PERCENT PETROLEUM REDUCTION OR DISPLACEMENT GOAL, with a favorable report.

H.B. 303, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF NEW BERN TO REQUIRE A PERMIT PRIOR TO DEMOLITION OF A CONTRIBUTING STRUCTURE WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT, with a favorable report.

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H.B. 579, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF SPRING LAKE AND THE CITY OF GREENSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR OVERGROWN VEGETATION ORDINANCES, with a favorable report.

S.B. 462, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MAYOR OF THE CITY OF BREVARD IS ELECTED TO A FOUR-YEAR TERM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15073, which changes the title to read **S.B. 462** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MAYOR OF THE CITY OF BREVARD IS ELECTED TO A FOUR-YEAR TERM, AND TO MAKE CONFORMING CHANGES CONCERNING FILLING OF VACANCIES, is adopted and engrossed.

S.B. 608, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO EXPEDITE REMOVAL OF REFUSE AND DEBRIS BY AMENDING THE DEFINITION OF CHRONIC VIOLATOR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15075, which changes the title to read **S.B. 608** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO EXPEDITE REMOVAL OF REFUSE AND DEBRIS, AND OVERGROWN VEGETATION, BY AMENDING THE DEFINITION OF CHRONIC VIOLATOR, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ARTICLE 19 OF CHAPTER 95 OF THE GENERAL STATUTES AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS.

Upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 26.

ELECTION OF MEMBER TO THE STATE BOARD OF COMMUNITY COLLEGES

Pursuant to a report received from the **Education/Higher Education Committee** earlier today, the Committee places in nomination the name of G. Gordon Greenwood for a six-year term on the State Board of Community

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Colleges effective July 1, 2007, and ending June 30, 2013.

Senator Swindell is recognized and outlines the procedures to be followed and announces that pursuant to G.S. 115D-2.1(b)(4)f, no further nominations shall be received.

The President orders the Reading Clerk to call the roll and directs the Members to vote "aye" or "no" for Mr. Greenwood.

Members voting for Mr. Greenwood are as follows: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein.

Those voting against Mr. Greenwood are as follows: None.

In compliance with G.S. 115-2.1(b)(4)f, the election of G. Gordon Greenwood to the State Board of Community Colleges for a six-year term beginning July 1, 2007, and expiring June 30, 2013, is confirmed by an electronically recorded vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein --48.

Voting in the negative: None.

The President declares G. Gordon Greenwood elected to the State Board of Community Colleges for a six-year term, effective July 1, 2007, and ending June 30, 2013.

The President orders a message sent to the House of Representatives.

CALENDAR (*continued*)

H.B. 720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE COMMISSION FOR HEALTH SERVICES TO BETTER REFLECT THE FUNCTIONS AND DUTIES PERFORMED BY THE DIVISION AND THE COMMISSION.

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**.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

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S.B. 258, AN ACT ADOPTING THE SALUTE TO THE FLAG OF NORTH CAROLINA AS THE OFFICIAL PLEDGE TO THE STATE FLAG.

H.B. 697, AN ACT AUTHORIZING THE SOCIAL SERVICES COMMISSION TO ADOPT RULES ESTABLISHING EDUCATIONAL REQUIREMENTS FOR STAFF EMPLOYED BY MATERNITY HOMES, CHILD PLACING AGENCIES, AND RESIDENTIAL CHILD CARE FACILITIES.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 336, AN ACT TO AUTHORIZE SWAIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

CALENDAR (*continued*)

S.B. 1196 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT, as amended by two material amendments on Wednesday, April 18, 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, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed sent to the House of Representatives.

S.B. 947 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CONFORMING, AND OTHER CHANGES TO THE UNIFORM TRUST CODE AND OTHER RELATED STATUTES.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1058 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE FRAUDULENT OBTAINING, SELLING, OR SOLICITING OF TELEPHONE RECORDS.

Senator Stevens offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

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S.B. 1359 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DRIVER OF A MOTORCYCLE TO PROCEED THROUGH AN INTERSECTION CONTROLLED BY A TRAFFIC SIGNAL ONLY IF THE TRAFFIC SIGNAL USES AN INDUCTIVE LOOP VEHICLE SENSOR THAT ACTIVATES THE TRAFFIC SIGNAL AND THE INDUCTIVE LOOP FAILS TO DETECT THE MOTORCYCLE AND ACTIVATE THE TRAFFIC SIGNAL.

Senator Kinnaird offers Amendment No. 1 which is adopted (37-11), and changes the title to read **S.B. 1359** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE OPERATOR OF A MOTORCYCLE OR A BICYCLE TO PROCEED THROUGH AN INTERSECTION CONTROLLED BY A TRAFFIC SIGNAL ONLY IF THE TRAFFIC SIGNAL USES AN INDUCTIVE LOOP VEHICLE SENSOR THAT ACTIVATES THE TRAFFIC SIGNAL AND THE INDUCTIVE LOOP FAILS TO DETECT THE MOTORCYCLE OR BICYCLE AND ACTIVATE THE TRAFFIC SIGNAL.

Upon motion of Senator Rand, the Committee Substitute bill, as amended, is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

H.B. 406, A BILL TO BE ENTITLED AN ACT TO ADOPT THE AYDEN COLLARD FESTIVAL AS THE OFFICIAL COLLARD FESTIVAL OF THE STATE OF NORTH CAROLINA.

The bill passes its second (47-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 895, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE INSURANCE LAWS TO MUTUAL AID ASSOCIATIONS SERVING PRESENT AND PAST MEMBERS OF THE ARMED FORCES AND SEA SERVICES OF THE UNITED STATES.

Without objection, Senator Brunstetter requests to be excused from voting on the bill due to a conflict of interest.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 1110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CALCULATION OF THE DROPOUT RATE.

The Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator McKissick to the following Committees:

Appropriations on Natural and Economic Resources
Appropriations/Base Budget
Commerce, Small Business and Entrepreneurship

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Education/Higher Education
Finance
Finance Subcommittee on Capital & Infrastructure Financing
Joint Select Committee on Economic Development Incentives
Judiciary I
State & Local Government

RECONSIDERATION

S.B. 1110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CALCULATION OF THE DROPOUT RATE.

Having voted with the majority, Senator Rand offers a motion that the vote by which S.B. 1110 passed its third reading earlier today be reconsidered, which motion prevails (48-0).

The question before the body becomes the passage of S.B. 1110 on its third reading.

Senator Hagan offers Amendment No. 1 which is adopted (45-2).

The Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives.

REMOVAL OF BILL CO-SPONSOR

Senator Goss requests that he be removed as a sponsor of previously introduced legislation:

S.B. 215, A BILL TO BE ENTITLED AN ACT TO REDUCE ROADSIDE AND OTHER LITTERING AND TO ENCOURAGE RECYCLING BY REQUIRING A DEPOSIT ON BEVERAGE CONTAINERS AND REQUIRING REDEMPTION CENTERS TO ACCEPT RETURNED BEVERAGE CONTAINERS AND REFUND THE DEPOSITS.

Upon motion of Senator Basnight, seconded by Senator Garrou, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Thursday, April 26, at 12:00 Noon.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 535 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL BACKGROUND REVIEWS FOR CURRENT AND FUTURE EMS PERSONNEL.

Referred to the **Judiciary II Committee**.

H.B. 885, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF APEX AND MORRISVILLE TO LEVY A MOTOR VEHICLE

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PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWN.

Referred to the **Finance Committee**.

H.B. 943 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE REGISTRAR TO ASSIST COUNTY JURY COMMISSIONS IN UPDATING THEIR LISTS OF PROSPECTIVE JURORS BY PROVIDING A LIST OF RESIDENTS OF EACH COUNTY WHO HAVE DIED RECENTLY; AND TO EXCLUDE FROM THE LISTS PROVIDED BY THE COMMISSIONER OF MOTOR VEHICLES TO COUNTY JURY COMMISSIONS THE NAMES OF PERSONS WHOSE DRIVERS LICENSES HAVE BEEN EXPIRED FOR AT LEAST EIGHT YEARS AND WHO HAVE BEEN INACTIVE VOTERS FOR AT LEAST FOUR YEARS.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:14 P.M.

FIFTY-FOURTH DAY

Senate Chamber
Thursday, April 26, 2007

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, an author once said, 'Nothing is more responsible for the good old days than a bad memory.' Lord, all of us are set in our ways about some things. Never let us turn off the light of a new idea, lest in the darkness we close our minds to some great possibilities. The prophet, Joel, says, 'Your sons and daughters shall prophesy and old people shall dream dreams, your young people shall see visions.' Always keep us open to new possibilities. Amen."

The Chair grants leaves of absence for today to Senator Atwater and Senator Graham.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, April 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The Chair extends privileges of the floor to Dr. William Lee from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 406, AN ACT TO ADOPT THE AYDEN COLLARD FESTIVAL AS THE OFFICIAL COLLARD FESTIVAL OF THE STATE OF NORTH CAROLINA.

H.B. 895, AN ACT TO CLARIFY THE APPLICATION OF THE INSURANCE LAWS TO MUTUAL AID ASSOCIATIONS SERVING PRESENT AND PAST MEMBERS OF THE ARMED FORCES AND SEA SERVICES OF THE UNITED STATES.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 326, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF GREEN LEVEL AND CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF OAK ISLAND.

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. 336, AN ACT TO AUTHORIZE SWAIN COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES. (Became law upon ratification, April 25, 2007 - S.L. 2007-23.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT A BOARD OF COUNTY COMMISSIONERS MAY AUTHORIZE THE GOVERNING BODY OF A CITY TO AUTHORIZE THE

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USE OF PYROTECHNICS WITHIN THE CORPORATE LIMITS OF THE CITY AND ISSUE PERMITS FOR THE USE OF PYROTECHNICS, with a favorable report.

By Senator Malone for the **Education/Public Instruction Committee**:

S.B. 753, A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF OCTOBER AS DISABILITY HISTORY AND AWARENESS MONTH AND REQUIRING LOCAL BOARDS OF EDUCATION TO PROVIDE INSTRUCTION ON DISABILITY HISTORY AND AWARENESS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15076, is adopted and engrossed.

S.B. 1479, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEEDS 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 55434, which changes the title to read **S.B. 1479** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Purcell for the **Health Care Committee**:

H.B. 424, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RESPITE CARE AND TO RECOMMEND WAYS TO IMPROVE THE CURRENT RESPITE CARE DELIVERY SYSTEM, with a favorable report.

S.B. 1090, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN PROVISIONS TO ALLOW FOR PROVISIONAL LICENSURE OF CLINICAL SOCIAL WORKERS UNDER THE LAWS REGULATING THE PRACTICE OF SOCIAL WORK, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55433, is adopted and engrossed.

S.B. 1428, A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE LAWS RELATED TO INVOLUNTARY COMMITMENTS IN ORDER TO GIVE LOCAL MANAGEMENT ENTITIES MORE CONTROL OVER STATE PSYCHIATRIC HOSPITAL UTILIZATION, 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 65238, which changes the title to read **S.B. 1428** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A PLAN FOR INCREASING LOCAL MANAGEMENT ENTITIES' CONTROL OVER STATE PSYCHIATRIC HOSPITAL UTILIZATION, is adopted and engrossed.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 579, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS ON PUBLIC CONSTRUCTION PROJECTS, with a favorable report.

S.B. 830, A BILL TO BE ENTITLED AN ACT TO DEVELOP PERFORMANCE STANDARDS FOR THE DEPARTMENT OF TRANSPORTATION AND TO MODIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 530, A BILL TO BE ENTITLED AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF ENERGY SAVING TECHNOLOGIES.

Upon motion of Senator East, the bill is withdrawn from today's Calendar and is re-referred to the **State & Local Government Committee**.

S.B. 1466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ARTICLE 19 OF CHAPTER 95 OF THE GENERAL STATUTES AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS.

Upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, April 30.

S.B. 1292, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT A POLICY REQUIRING TEACHERS TO TAKE CREDITS IN THEIR ACADEMIC SUBJECT AREA AS PART OF THE LICENSURE RENEWAL PROCESS.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 2.

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S.B. 462 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MAYOR OF THE CITY OF BREVARD IS ELECTED TO A FOUR-YEAR TERM, AND TO MAKE CONFORMING CHANGES CONCERNING FILLING OF VACANCIES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 608 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO EXPEDITE REMOVAL OF REFUSE AND DEBRIS, AND OVERGROWN VEGETATION, BY AMENDING THE DEFINITION OF CHRONIC VIOLATOR.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 303, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF NEW BERN TO REQUIRE A PERMIT PRIOR TO DEMOLITION OF A CONTRIBUTING STRUCTURE WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT.

The bill passes its second (47-0) and third readings and is ordered enrolled.

H.B. 579, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF SPRING LAKE AND THE CITY OF GREENSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR OVERGROWN VEGETATION ORDINANCES.

The bill passes its second (47-0) and third readings and is ordered enrolled.

S.B. 236 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROFESSIONAL HOUSEMOVING STATUTES CONTAINED IN ARTICLE 16 OF CHAPTER 20 OF THE GENERAL STATUTES.

The Committee Substitute bill No. 2 passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1313, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO STUDY THE DESIRABILITY AND FEASIBILITY OF OTHER STATE AGENCIES USING THE DEPARTMENT OF TRANSPORTATION'S FUELING STATIONS ACROSS THE STATE IN AN EFFORT TO DISPLACE OR REDUCE THE AMOUNT OF PETROLEUM THAT STATE AGENCIES ARE USING FOR STATE-OWNED VEHICLE FLEETS AND TO ASSIST STATE AGENCIES IN ACHIEVING THEIR TWENTY PERCENT PETROLEUM REDUCTION OR DISPLACEMENT GOAL.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 1532 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FUTURE-READY CORE HIGH SCHOOL GRADUATION REQUIREMENTS ADOPTED BY THE STATE BOARD OF EDUCATION.

Upon motion of Senator Bingham, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 2.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 999, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE LAWS PERTAINING TO IMPAIRED DRIVING OFFENSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15077, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 925, A BILL TO BE ENTITLED AN ACT TO CREATE A TRANSFER ON DEATH PROVISION FOR MOTOR VEHICLES TITLED IN NORTH CAROLINA TO ALLOW BENEFICIARIES TO TAKE TITLE OF THE MOTOR VEHICLE UPON THE DEATH OF AN OWNER OR OWNERS, referred to the **Commerce, Small Business and Entrepreneurship Committee** on March 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce, Small Business and Entrepreneurship Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce, Small Business and Entrepreneurship Committee** and re-refers the measure to the **Judiciary I Committee**.

S.B. 967, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A MARKET RESEARCH FIRM TO CONDUCT A STUDY OF THE ECONOMIC OPPORTUNITIES OF EXPANDING AND DEVELOPING ORGANIC AGRICULTURE PRODUCTION, MARKETING, AND SUPPORTING BUSINESS ENTERPRISES IN NORTH CAROLINA, referred to the **Commerce, Small Business and Entrepreneurship Committee** on March 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be

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withdrawn from the **Commerce, Small Business and Entrepreneurship Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce, Small Business and Entrepreneurship Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

S.B. 1314, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA MASSAGE AND BODYWORK THERAPY PRACTICE ACT TO EXPAND THE EXISTING LAWS REGULATING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO AUTHORIZE THE BOARD TO ESTABLISH FEES FOR LICENSING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE TO PRACTICE MASSAGE AND BODYWORK THERAPY; AND TO AMEND THE EXISTING LAWS REGARDING ADULT ENTERTAINMENT, referred to the **Commerce, Small Business and Entrepreneurship Committee** on March 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce, Small Business and Entrepreneurship Committee** and re-referred to the **Health Care Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce, Small Business and Entrepreneurship Committee** and re-refers the measure to the **Health Care Committee**.

S.B. 960, A BILL TO BE ENTITLED AN ACT TO INCREASE COURT FEES, TO PROVIDE ADDITIONAL FUNDING FOR COURT INFORMATION TECHNOLOGY, AND TO AMEND THE ACCESS TO CIVIL JUSTICE ACT, referred to the **Finance Committee** on March 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

S.B. 1134, A BILL TO BE ENTITLED AN ACT TO INCREASE AND CLARIFY CERTAIN COURT COSTS, referred to the **Finance Committee** on March 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

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Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet Monday, April 30, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Joint resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Atwater:

S.J.R. 1559, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF LEE COUNTY ON THE COUNTY'S ONE HUNDREDTH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Albertson; Apodaca, Boseman, Clodfelter, Dorsett, Forrester, Goss, Hoyle, Jenkins, Jones, Kerr, Malone, Purcell, Rand, Soles, Swindell and Weinstein:

S.J.R. 1560, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM DALLAS HERRING, FORMER CHAIR OF THE STATE BOARD OF EDUCATION.

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
April 25, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to G.S. 115D-2.1(b)(4)f. and **S.J.R. 866**, A JOINT RESOLUTION SETTING THE DATE FOR THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, the House of Representatives has elected and confirmed George Thomas (Tom) Houlihan to serve on the State Board of Community Colleges for a term of six years beginning July 1, 2007 and ending June 30, 2013.

Respectfully,
S/Denise G. Weeks
Principal Clerk

April 26, 2007

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 284 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF SANFORD TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE CITY'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE CITY'S SATELLITE CORPORATE LIMITS, AND PROHIBITING THE CITY FROM ANNEXING AREAS WITHIN CHATHAM COUNTY, for concurrence in the House Committee Substitute bill.

Referred to the **Finance Committee**.

H.B. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING THE DESECRATION OF A GRAVE, AS RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON ABANDONED CEMETERIES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUTES RELATING TO ABANDONED AND NEGLECTED CEMETERIES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 257 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SALES TAX DEFINITIONS TO COMPLY WITH THE STREAMLINED SALES TAX AGREEMENT AND TO MAKE OTHER SALES TAX CHANGES.

Referred to the **Finance Committee**.

H.B. 513 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO DETERMINE WHETHER THE COMPETITIVE PROPOSAL METHOD IS APPROPRIATE FOR PUBLIC TRANSIT PURCHASES AND PROVIDING THAT THE CITY MAY LET CONTRACTS FOR THE ACQUISITION OR MAINTENANCE OF TRANSIT EQUIPMENT OR FACILITIES IN THE MANNER PRESCRIBED BY THE FEDERAL GOVERNMENT WHEN THE PROJECT IS FUNDED IN WHOLE OR IN PART WITH FEDERAL FUNDS.

Referred to the **State & Local Government Committee**.

H.B. 555, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE GREATER

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FLEXIBILITY IN THE PAYMENT OF SPECIAL ASSESSMENTS AND THE COLLECTION OF DELINQUENT SPECIAL ASSESSMENT PAYMENTS.

Referred to the **Finance Committee**.

H.B. 1041 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX DIVIDED PARCELS TO THE TOWN OF EARL.

Referred to the **Finance Committee**.

H.B. 1086 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CUSTOMER USAGE TRACKING RATE ADJUSTMENT MECHANISMS FOR NATURAL GAS LOCAL DISTRIBUTION COMPANY RATES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1166, A BILL TO BE ENTITLED AN ACT TO EXCHANGE CERTAIN DESCRIBED TERRITORY BETWEEN THE CITY OF HIGH POINT AND THE TOWN OF JAMESTOWN, AND TO DESCRIBE THE COMMON BOUNDARY LINE.

Referred to the **Finance Committee**.

H.B. 1359, A BILL TO BE ENTITLED AN ACT TO PROVIDE VETERINARIANS WITH IMMUNITY FROM LIABILITY FOR REPORTING ANIMAL CRUELTY.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:34 P.M.

FIFTY-FIFTH DAY

Senate Chamber
Monday, April 30, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we didn't exactly walk in the Senators' shoes but the reading clerk and I did make it through the two-hour mandatory ethics training course this morning. During the session I remembered that the Israelites took the Ten

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Commandments and made them into over 600 laws. It must have been confusing for them, too. Though I applaud the new legislation as an ethics code of conduct benchmark, I confess that I wish such a code could be reduced to the one simple statement made by the prophet Micah, 'God has told you what is good and what does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God.' Amen."

The Chair grants a leave of absence for tonight to Senator Pittenger.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, April 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends 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 Josey McCall from Tuckasegee, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 1211, A BILL TO BE ENTITLED AN ACT TO REQUIRE FINGERPRINTING OF ANY PERSON ARRESTED FOR ANY OFFENSES INVOLVING IMPAIRED DRIVING OR FOR DRIVING WHILE LICENSE REVOKED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55436, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

H.J.R. 828, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANKLIN THOMAS "FRANK" TADLOCK, FORMER COMMISSIONER OF ROWAN COUNTY, referred to the **Rules and Operations of the Senate Committee** on April 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on tonight's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on tonight's Calendar.

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CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 1466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ARTICLE 19 OF CHAPTER 95 OF THE GENERAL STATUTES AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS.

Upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, May 1.

S.B. 579, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS ON PUBLIC CONSTRUCTION PROJECTS.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 753 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF OCTOBER AS DISABILITY HISTORY AND AWARENESS MONTH AND REQUIRING LOCAL BOARDS OF EDUCATION TO PROVIDE INSTRUCTION ON DISABILITY HISTORY AND AWARENESS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 535, AN ACT RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN PROPERTY BY PRIVATE NEGOTIATED SALE.

H.B. 303, AN ACT TO ALLOW THE CITY OF NEW BERN TO REQUIRE A PERMIT PRIOR TO DEMOLITION OF A CONTRIBUTING STRUCTURE WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT.

H.B. 579, AN ACT AUTHORIZING THE TOWN OF SPRING LAKE AND THE CITY OF GREENSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR OVERGROWN VEGETATION ORDINANCES.

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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. 502, AN ACT TO REPEAL A BUDGET SPECIAL PROVISION CONCERNING HEALTH BENEFIT PLAN CO-PAYMENTS FOR CHIROPRACTIC SERVICES. (Became law upon approval of the Governor, April 25, 2007 - S.L. 2007-24.)

S.B. 666, AN ACT TO AUTHORIZE AN EXPANSION OF THE MEMBERSHIP OF THE NORTH CAROLINA INSTITUTE OF MEDICINE. (Became law upon approval of the Governor, April 25, 2007 - S.L. 2007-25.)

H.B. 326 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF GREEN LEVEL AND CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF OAK ISLAND. (Became law upon ratification, April 26, 2007 - S.L. 2007-26.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 320, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF ADMINISTRATION TO DEVELOP AND ADMINISTER A STATEWIDE UNIFORM CERTIFICATION PROGRAM FOR HISTORICALLY UNDERUTILIZED BUSINESSES DOING BUSINESS WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS, AND POLITICAL SUBDIVISIONS OF THE STATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15079, is adopted and engrossed.

S.B. 632, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW ESTABLISHING THE BLACK MOUNTAIN ADVANCEMENT CENTER FOR WOMEN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15078, is adopted and engrossed.

S.B. 1354, A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA NATIONAL GUARD TO OPERATE POST

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EXCHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55437, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 83, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF DOMESTIC CRIMINAL TRESPASS BY MAKING IT A FELONY FOR A PERSON WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER TO TRESPASS ON PROPERTY THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSONS COVERED BY THE PROTECTIVE ORDER ARE PRESENT ON THE PREMISES AND TO PROVIDE THAT IT IS AN AGGRAVATING CIRCUMSTANCE FOR FIRST DEGREE MURDER IF A DEFENDANT WHO IS THE SUBJECT OF A VALID PROTECTIVE ORDER COMMITS A MURDER ON THE PREMISES OF A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85303, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 880, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A BOND FORFEITURE SHALL BE SET ASIDE IF THE DEFENDANT FAILED TO APPEAR BECAUSE THE DEFENDANT WAS INCARCERATED ANYWHERE IN THE UNITED STATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75393, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 830, A BILL TO BE ENTITLED AN ACT TO DEVELOP PERFORMANCE STANDARDS FOR THE DEPARTMENT OF TRANSPORTATION AND TO MODIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS.

The bill passes its second reading (49-0).

Senator Hoyle objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, May 1, upon third reading.

S.B. 999 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE LAWS PERTAINING TO IMPAIRED DRIVING OFFENSES.

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The Committee Substitute bill passes its second reading (49-0).

Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, May 1, upon third reading.

S.B. 1090 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN PROVISIONS TO ALLOW FOR PROVISIONAL LICENSURE OF CLINICAL SOCIAL WORKERS UNDER THE LAWS REGULATING THE PRACTICE OF SOCIAL WORK.

The Committee Substitute bill passes its second reading (49-0).

Senator Purcell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, May 1, upon third reading.

S.B. 1428 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A PLAN FOR INCREASING LOCAL MANAGEMENT ENTITIES' CONTROL OVER STATE PSYCHIATRIC HOSPITAL UTILIZATION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT A BOARD OF COUNTY COMMISSIONERS MAY AUTHORIZE THE GOVERNING BODY OF A CITY TO AUTHORIZE THE USE OF PYROTECHNICS WITHIN THE CORPORATE LIMITS OF THE CITY AND ISSUE PERMITS FOR THE USE OF PYROTECHNICS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 424, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RESPITE CARE AND TO RECOMMEND WAYS TO IMPROVE THE CURRENT RESPITE CARE DELIVERY SYSTEM.

Upon motion of Senator Purcell, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, May 1.

WITHDRAWAL FROM COMMITTEE

S.J.R. 931, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR ROBERT L. HOLLOMAN, referred to the **Rules and Operations of the Senate Committee** on March 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, May 2, which motion prevails with unanimous consent.

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The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, May 2.

S.B. 532, 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** on March 7.

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 **Select Committee on Government and Election Reform**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State & Local Government Committee** and re-refers the measure to the **Select Committee on Government and Election Reform**.

CALENDAR *(continued)*

H.J.R. 828, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANKLIN THOMAS "FRANK" TADLOCK, FORMER COMMISSIONER OF ROWAN COUNTY, placed earlier on tonight's Calendar.

The joint resolution passes its second (49-0) and third readings and is ordered enrolled.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator McKissick to the **Transportation Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Darion Battle, Whitakers; Jonathan Beasley, Edenton; Kyle Benedict, Old Fort; Taylor Bess, Mount Holly; Gregory Boyer, Jr., Mount Olive; Vincent Brown, Durham; Hana Doran, Winston-Salem; Allison Ellis, Gastonia; Andrew Epperson, Camden; D.J. Lester, Timberlake; Ashley Mashaw, Mount Holly; Chelsea Privette, Durham; Rachel Skulkety, Dallas; Dillon Smith, Stanley; Chris Trogdon, Stanley; Emerson Voss, Raleigh; James Weaver, Durham; and Jerry Woods III, Hope Mills.

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ADDITIONAL SPONSORS

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 753, A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF OCTOBER AS DISABILITY HISTORY AND AWARENESS MONTH AND REQUIRING LOCAL BOARDS OF EDUCATION TO PROVIDE INSTRUCTION ON DISABILITY HISTORY AND AWARENESS.

S.B. 830, A BILL TO BE ENTITLED AN ACT TO DEVELOP PERFORMANCE STANDARDS FOR THE DEPARTMENT OF TRANSPORTATION AND TO MODIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS.

S.B. 999, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE LAWS PERTAINING TO IMPAIRED DRIVING OFFENSES.

S.B. 1090, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN PROVISIONS TO ALLOW FOR PROVISIONAL LICENSURE OF CLINICAL SOCIAL WORKERS UNDER THE LAWS REGULATING THE PRACTICE OF SOCIAL WORK.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Tuesday, May 1, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 767 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL LAW ENFORCEMENT OFFICERS AND ALL FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES PERSONNEL THROUGHOUT THE STATE TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES; TO ALLOW CERTAIN MUNICIPAL AND COUNTY EMPLOYEES CURRENTLY AUTHORIZED TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES TO CONTINUE; TO REPEAL LOCAL ACTS ON THE SUBJECT; AND TO MANDATE THAT ATV SAFETY COURSES BE APPROVED BY THE COMMISSIONER OF INSURANCE.

Referred to the **Judiciary II Committee**.

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H.B. 825, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A FEDERALLY REQUIRED MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILIES THAT HAVE NEVER RECEIVED TANF.

Referred to the **Finance Committee**.

H.B. 987 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE NORTH CAROLINA TRAVEL AND TOURISM BOARD TO INCLUDE REPRESENTATIVES OF THE CHARTER BOAT/HEADBOAT INDUSTRY.

Referred to the **State & Local Government Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:40 P.M.

FIFTY-SIXTH DAY

Senate Chamber
Tuesday, May 1, 2007

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, on days when our calendars are full and our things-to-do lists are long and complex, sometimes we become too pragmatic. In order to complete all of our tasks, pragmatism coerces us to ask the question, 'Will it work?' When, instead, we should be asking, 'Is it right?' When we have time for only one question, Lord, let it be the later. We also ask that you grant your presence today to Senator Basnight following the news that his restaurant in Manteo was destroyed by fire. We are grateful that no one was injured. Mostly we are thankful that you have given Senator Basnight such a strong and resilient spirit with which to respond. Amen."

The Chair grants leaves of absence for today to Senator Basnight and Senator Kinnaird.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, April 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The Chair extends privileges of the floor to Dr. Martin K. Williams from Wilson, North Carolina, who is serving the Senate as Doctor of the Day, and to Kristen Houser from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 189, AN ACT PROVIDING THAT A BOARD OF COUNTY COMMISSIONERS MAY AUTHORIZE THE GOVERNING BODY OF A CITY TO AUTHORIZE THE USE OF PYROTECHNICS WITHIN THE CORPORATE LIMITS OF THE CITY AND ISSUE PERMITS FOR THE USE OF PYROTECHNICS.

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. 828, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FRANKLIN THOMAS "FRANK" TADLOCK, FORMER COMMISSIONER OF ROWAN COUNTY. (Res. 27)

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. 895, AN ACT TO CLARIFY THE APPLICATION OF THE INSURANCE LAWS TO MUTUAL AID ASSOCIATIONS SERVING PRESENT AND PAST MEMBERS OF THE ARMED FORCES AND SEA SERVICES OF THE UNITED STATES. (Became law upon approval of the Governor, April 28, 2007 - S.L. 2007-27.)

H.B. 406, AN ACT TO ADOPT THE AYDEN COLLARD FESTIVAL AS THE OFFICIAL COLLARD FESTIVAL OF THE STATE OF NORTH CAROLINA. (Became law upon approval of the Governor, April 28, 2007 - S.L. 2007-28.)

S.B. 184, AN ACT TO ALLOW JUDICIAL OFFICERS TO LIST A BUSINESS ADDRESS ON A STATEMENT OF ECONOMIC INTEREST AND TO KEEP THEIR HOME ADDRESSES AND THE NAMES OF THEIR UNEMANCIPATED MINOR CHILDREN CONFIDENTIAL. (Became law upon approval of the Governor, April 28, 2007 - S.L. 2007-29.)

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H.B. 697, AN ACT AUTHORIZING THE SOCIAL SERVICES COMMISSION TO ADOPT RULES ESTABLISHING EDUCATIONAL REQUIREMENTS FOR STAFF EMPLOYED BY MATERNITY HOMES, CHILD PLACING AGENCIES, AND RESIDENTIAL CHILD CARE FACILITIES. (Became law upon approval of the Governor, April 28, 2007 - S.L. 2007-30.)

H.B. 579, AN ACT AUTHORIZING THE TOWN OF SPRING LAKE AND THE CITY OF GREENSBORO TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR OVERGROWN VEGETATION ORDINANCES. (Became law upon ratification, April 30, 2007 - S.L. 2007-31.)

H.B. 303, AN ACT TO ALLOW THE CITY OF NEW BERN TO REQUIRE A PERMIT PRIOR TO DEMOLITION OF A CONTRIBUTING STRUCTURE WITHIN A LOCALLY DESIGNATED HISTORIC DISTRICT. (Became law upon ratification, April 30, 2007 - S.L. 2007-32.)

S.B. 535, AN ACT RELATING TO MECKLENBURG COUNTY'S AUTHORITY TO SELL CERTAIN PROPERTY BY PRIVATE NEGOTIATED SALE. (Became law upon ratification, April 30, 2007 - S.L. 2007-33.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 320 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF ADMINISTRATION TO DEVELOP AND ADMINISTER A STATEWIDE UNIFORM CERTIFICATION PROGRAM FOR HISTORICALLY UNDERUTILIZED BUSINESSES DOING BUSINESS WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS, AND POLITICAL SUBDIVISIONS OF THE STATE.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 944, A BILL TO BE ENTITLED AN ACT TO MAKE LEAVING THE SCENE OF AN ACCIDENT WHERE A PERSON SUFFERS SERIOUS BODILY INJURY A CLASS F FELONY, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

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By Senator Graham for the **State & Local Government Committee**:

S.B. 513, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT COUNCIL VACANCIES ARE FILLED UNDER GENERAL LAW, AND 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. 626, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISIONS IN BERTIE COUNTY, with a favorable report.

H.B. 506, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WESTERN PIEDMONT COMMUNITY COLLEGE TO ENTER INTO AN AGREEMENT WITH BURKE COUNTY, with a favorable report.

S.B. 581, A BILL TO BE ENTITLED AN ACT ALLOWING MECKLENBURG COUNTY TO PROVIDE BUILDING PERMIT FEE REBATES FOR BUILDINGS THAT ARE BUILT TO LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN STANDARDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85305, which changes the title to read **S.B. 581** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING COUNTIES TO PROVIDE BUILDING PERMIT FEE REDUCTIONS OR REBATES TO ENCOURAGE CONSTRUCTION OF BUILDINGS USING SUSTAINABLE DESIGN PRINCIPLES TO ACHIEVE ENERGY PERFORMANCE STANDARDS, is adopted and engrossed.

Upon adoption of the Committee Substitute, the bill becomes a public bill.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 1245, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO RETAINAGE PAYMENTS ON CONSTRUCTION CONTRACTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75394, which changes the title to read **S.B. 1245** (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE BIDDING THRESHOLD FOR PUBLIC CONSTRUCTION CONTRACTS AND AMENDING THE LAWS RELATED TO RETAINAGE PAYMENTS ON CONSTRUCTION CONTRACTS, is adopted and engrossed.

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CALENDAR *(continued)*

S.B. 337 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURE OF LOCAL MANAGEMENT ENTITY BOARDS PERTAINING TO THE SERVICE OF COUNTY MANAGERS.

Senator Snow offers Amendment No. 1 which is adopted (47-0), and changes the title to read **S.B. 337** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURE OF LOCAL MANAGEMENT ENTITY BOARDS PERTAINING TO THE SERVICE OF COUNTY MANAGERS AND THE NUMBER OF BOARD MEMBERS.

The Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 632 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW ESTABLISHING THE BLACK MOUNTAIN ADVANCEMENT CENTER FOR WOMEN.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 880 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A BOND FORFEITURE SHALL BE SET ASIDE IF THE DEFENDANT FAILED TO APPEAR BECAUSE THE DEFENDANT WAS INCARCERATED ANYWHERE IN THE UNITED STATES.

Without objection, Senator Apodaca requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1211 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE FINGERPRINTING OF ANY PERSON ARRESTED FOR ANY OFFENSES INVOLVING IMPAIRED DRIVING OR FOR DRIVING WHILE LICENSE REVOKED.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1354 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA NATIONAL GUARD TO OPERATE POST EXCHANGES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ARTICLE 19 OF CHAPTER 95 OF THE GENERAL STATUTES AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-

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INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS.

Senator Berger of Rockingham offers Amendment No. 1.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from the Calendar with Amendment No. 1 pending and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 424, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RESPITE CARE AND TO RECOMMEND WAYS TO IMPROVE THE CURRENT RESPITE CARE DELIVERY SYSTEM.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 830, A BILL TO BE ENTITLED AN ACT TO DEVELOP PERFORMANCE STANDARDS FOR THE DEPARTMENT OF TRANSPORTATION AND TO MODIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS.

Senator Hoyle offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 999 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE LAWS PERTAINING TO IMPAIRED DRIVING OFFENSES.

The Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives.

S.B. 1090 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN PROVISIONS TO ALLOW FOR PROVISIONAL LICENSURE OF CLINICAL SOCIAL WORKERS UNDER THE LAWS REGULATING THE PRACTICE OF SOCIAL WORK.

Senator Purcell offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 1482, A BILL TO BE ENTITLED AN ACT TO ALLOW SUBDIVISION STREETS THAT ARE CONSTRUCTED WITHIN THE EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY AND THAT ARE OFFERED FOR PUBLIC DEDICATION TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS OF THE MUNICIPALITY

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RATHER THAN THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15080, which changes the title to read **S.B. 1482** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE REQUIREMENTS OF G.S. 163-102.6 SUBDIVISIONS LOCATED WITHIN THE EXTRATERRITORIAL PLANNING JURISDICTION OF MUNICIPALITIES HAVING A POPULATION OF AT LEAST 500,000, IN AND TO THE EXTENT THAT SUCH SUBDIVISIONS CONTAIN STREETS THAT HAVE BEEN APPROVED BY ANY SUCH MUNICIPALITY AS MEETING THE PUBLIC STREET STANDARDS OF SUCH MUNICIPALITY PRIOR TO THE EFFECTIVE DATE OF THIS ACT, AND TO EXEMPT SUCH SUBDIVISIONS FROM ANY ORDINANCE REQUIREMENT THAT SUCH PUBLIC STREETS MEET THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, is adopted and engrossed.

ADDITIONAL SPONSOR

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 30, A BILL TO BE ENTITLED AN ACT TO AMEND LAWS TO PROVIDE GREATER PROTECTION FOR DOMESTIC VIOLENCE VICTIMS AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

S.B. 320, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF ADMINISTRATION TO DEVELOP AND ADMINISTER A STATEWIDE UNIFORM CERTIFICATION PROGRAM FOR HISTORICALLY UNDERUTILIZED BUSINESSES DOING BUSINESS WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS, AND POLITICAL SUBDIVISIONS OF THE STATE.

S.B. 516, A BILL TO BE ENTITLED AN ACT PROVIDING FOR HOW THE STATE TREASURER SHALL ADDRESS CERTAIN STATE INVESTMENTS RELATING TO SUDAN.

S.B. 869, A BILL TO BE ENTITLED AN ACT TO ADD FELONY CHILD ABUSE TO THE LIST OF SEX OFFENDER REGISTRY OFFENSES WHEN THE OFFENSE INVOLVES PROSTITUTION OF A JUVENILE OR THE COMMISSION OF A SEXUAL ACT UPON A JUVENILE, TO REQUIRE THAT A SEX OFFENDER REGISTER HIS OR HER ELECTRONIC MAIL ADDRESS OR OTHER ONLINE IDENTIFIER IN THE STATEWIDE SEX OFFENDER REGISTRY, TO ALLOW LIMITED RELEASE OF ONLINE IDENTIFIER INFORMATION IN THE SEX OFFENDER REGISTRY TO

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CERTAIN ENTITIES THAT PROVIDE ELECTRONIC MAIL SERVICES AND OTHER INTERNET SERVICES FOR THE PURPOSE OF SCREENING ONLINE USERS, TO PROVIDE THAT THE COURT MAY ORDER A CONVICTED SEX OFFENDER WHO FAILS TO REGISTER AS A SEX OFFENDER TO FORFEIT CERTAIN LICENSING PRIVILEGES, TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP PROCEDURES TO ENSURE TIMELY NOTIFICATION OF THE DIVISION OF CRIMINAL STATISTICS AND SHERIFFS OF PERSONS REQUIRED TO REGISTER WHO ARE NOT SENTENCED TO ACTIVE TIME, AND TO APPROPRIATE FUNDS FOR THE GOVERNOR'S CRIME COMMISSION TO USE TO AWARD AS MATCHING GRANTS TO ELIGIBLE SHERIFFS' OFFICES TO ENHANCE AND SUPPORT THEIR EFFORTS TO ENFORCE THE STATE'S SEX OFFENDER LAWS.

S.B. 1161, A BILL TO BE ENTITLED AN ACT TO ALLOW TAXPAYERS TO RELY UPON VERBAL ADVICE FROM THE DEPARTMENT OF REVENUE.

S.B. 1482, A BILL TO BE ENTITLED AN ACT TO ALLOW SUBDIVISION STREETS THAT ARE CONSTRUCTED WITHIN THE EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY AND THAT ARE OFFERED FOR PUBLIC DEDICATION TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS OF THE MUNICIPALITY RATHER THAN THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

Upon motion of Senator Dannelly, seconded by Senator Hoyle, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Wednesday, May 2, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.J.R. 249, A JOINT RESOLUTION HONORING THE LIVES AND ACHIEVEMENTS OF LOUIS ROUND WILSON, SUSAN GREY AKERS, AND FREDERICK G. KILGOUR OF THE SCHOOL OF INFORMATION AND LIBRARY SCIENCE, THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, ON THE 75TH ANNIVERSARY OF ITS FOUNDING.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1016 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE TAX BENEFITS OF CONTRIBUTIONS TO THE PARENTAL SAVINGS TRUST FUND OF THE STATE EDUCATION ASSISTANCE AUTHORITY.

Referred to the **Finance Committee**.

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H.J.R. 1053, A JOINT RESOLUTION HONORING THE FOUNDER OF UNITED PARCEL SERVICE OF AMERICA, INC., (UPS) AND RECOGNIZING THE CONTRIBUTIONS OF THE COMPANY TO THE CITIZENS OF NORTH CAROLINA ON THE COMPANY'S CENTENNIAL ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1145, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO LOITER IN THE TOWN OF COLUMBIA AND IN THE CITY OF BREVARD FOR THE PURPOSE OF VIOLATING THE CONTROLLED SUBSTANCE LAWS.

Referred to the **State & Local Government Committee**.

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA INTERNAL AUDIT ACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1529, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES' HEALTH BENEFITS.

Referred to the **Finance Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:56 P.M.

FIFTY-SEVENTH DAY

Senate Chamber
Wednesday, May 2, 2007

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 good we do today, people may often forget tomorrow. We pray that you would help us to do good anyway. We may give the world the best we have and it may not ever be enough. We pray that you would help us to give the world the best that we have anyway. In the final analysis what we do each day and who we are is always a reflection of the relationship between you and us. Help us to live up to that calling. Amen."

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The Chair grants a leave of absence for today to Senator Basnight.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, May 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Jeffrey F. Severa from Edenton, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 175, A BILL TO BE ENTITLED AN ACT TO ENACT THE INTERSTATE WILDLIFE VIOLATOR COMPACT IN NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55440, is adopted and engrossed.

S.B. 1431, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF DEEP RIVER STATE TRAIL TO THE STATE PARKS SYSTEM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85307, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Graham for the **State & Local Government Committee**:

S.B. 473, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON PRIVATE PROPERTY WITHOUT WRITTEN PERMISSION FROM THE LANDOWNER OR LESSEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55439, which changes the title to read **S.B. 473** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING ON PRIVATE PROPERTY WITHOUT WRITTEN PERMISSION FROM THE LANDOWNER OR LESSEE AND TO PROHIBIT HUNTING ON PRIVATE PROPERTY WHILE UNDER THE INFLUENCE OF AN IMPAIRING SUBSTANCE, is adopted and engrossed.

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S.B. 1538, A BILL TO BE ENTITLED AN ACT TO APPLY STATEWIDE BOARDS OF COUNTY COMMISSIONERS AUTHORITY OVER COMMISSIONS, BOARDS, AND AGENCIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75395, is adopted and engrossed.

H.B. 564, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BRUNSWICK COUNTY ALCOHOLIC BEVERAGE CONTROL SYSTEM TO RELOCATE A STORE TO A NEW LOCATION WITHIN SEVEN MILES OF ANOTHER ALCOHOLIC BEVERAGE CONTROL STORE IN BRUNSWICK 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 70491, which changes the title upon concurrence to read **H.B. 564** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BRUNSWICK COUNTY ALCOHOLIC BEVERAGE CONTROL SYSTEM TO RELOCATE A STORE IN SUPPLY AND A STORE IN SUNSET BEACH TO A NEW LOCATION WITHIN SEVEN MILES OF ANOTHER ALCOHOLIC BEVERAGE CONTROL STORE IN BRUNSWICK COUNTY, is adopted and engrossed.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 513, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT COUNCIL VACANCIES ARE FILLED UNDER GENERAL LAW, AND TO PROVIDE THAT THE MAYOR PRO TEMPORE SERVES AT THE PLEASURE OF THE CITY COUNCIL, THE SAME AS UNDER THE GENERAL LAW.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 626, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISIONS IN BERTIE COUNTY.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

H.B. 506 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WESTERN PIEDMONT COMMUNITY COLLEGE TO ENTER INTO AN AGREEMENT WITH BURKE COUNTY.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled.

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S.J.R. 1390, A JOINT RESOLUTION HONORING THE LIFE AND CAREER OF MILDRED THOMAS, FORMER REGISTER OF DEEDS OF ONSLOW COUNTY.

Upon motion of Senator Brown, the joint resolution is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Upon motion of Senator Brown, the joint resolution is read in its entirety and, upon motion of Senator Tillman, the remarks of the members, are spread upon the Journal, as follows:

Senator Brown:

“When you talk about Miss Mildred, and that is what we call her in Onslow County, you really don’t know where to start because she has been a part of everybody’s life in Onslow County for such a long time. You know as the resolution says, she began in the Register of Deeds Office in 1937. She was elected as the Register of Deeds in 1949. Senator Soles, that makes you look like a rookie. I just can’t imagine what it is like to go through that many elections and continue to win, but that is how much she is loved and appreciated in Onslow County. Fifty-eight continuous years of service to North Carolina, a long-serving elected official. I think that speaks for itself. She is really a special lady and a country girl made good. She went to White Oak High School and I think that turned in to be a Tabernacle and it was a school way out in the country and I think she appreciated those country roots. But when you think of role models, I just can’t think of a better one. So many people look up to this lady and if you ever walked into the Courthouse and the Register of Deeds Office you could just tell that she loved her job. She always had that friendly smile on her face and let me tell you this lady worked every single day until she retired. She was an amazing lady. When you walked into her office, there she was. She was always there. I can just say this. Onslow County and the State truly have a great person with Miss Mildred. When you think of the word institution, I think Miss Mildred puts a new meaning to that word because that is exactly what she is. You know I looked at some things that happened when she started in Onslow County in her position in the Register of Deeds Office in 1937 and that was the same year that Franklin Roosevelt was elected to his second term. Just to give you an idea of how long this is, the Golden Gate Bridge was opened in California that year. Amelia Earhart disappeared on her attempt to become the first woman to fly around the world that year, and Walt Disney’s Snow White and the Seven Dwarfs was the first feature-length, animated cartoon to open as a smash hit that year. Also, you could buy a car for \$760. I wish that was still the case today because I could surely sell a whole lot more of them. The average cost of a house was \$4,100, the average wage was \$1,780 and a gallon of gas cost \$.10. Quite amazing. But this is an amazing lady and she is with us today and I would like for Miss Mildred to stand because I think that we all need to give her a round of applause. I would like to also mention that with her today is her niece, Neita Rivenbark, and the new Register of Deeds, Kay Washington, who has really got a tough job. Kay, I don’t know

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how you are going to do it because that is a tough position to step into. Betty Jones, who also works in the Register of Deeds Office, Doris Pettway, who works with my wife in the Clerk's Office as an assistant, and Frank Clifton, our County Manager, and Beth Purcell, our County Clerk, are here, also. I really thank them for coming and again a special, special lady."

Senator Albertson:

"I appreciate Senator Brown bringing this resolution to us. This lady is everything he said she was and even more if that's possible. I had the privilege to represent a part of Onslow County for several years here in the Senate. She is truly a wonderful lady. Senator Brown, I think about her when I think of the late Jim Graham. I kind of put her in the same category when it comes to people who just truly, genuinely love other human beings. It was always obvious that she loved her work. I always thought that she believed that the most important part of work was serving the people. She was truly a public servant in every sense of the word. She is a great lady and not many like her come along. She will leave a great legacy of public service to this State and Miss Mildred, we all love you just like you loved us and I commend this resolution to you."

Senator Rand:

"Thank you, Madame President and ladies and gentlemen of the Senate. It has been my privilege to have kin folks from the town of 'Perfect Water.' Those of you who don't know what that is, it is Richlands. Miss Mildred has been down there looking after those people for longer than I have been alive, which has been a long time. But we are thankful that we have people like that in North Carolina to serve the public and to leave a wonderful legacy of public service and of looking after people as Senator Albertson said. But just the sheer force and magnetism of her personality and what she meant to the life and times of Onslow County can really not be estimated, I don't believe. She is a wonderful example for us all to follow and I am just delighted that I can say a few words for her today. Thank you."

The joint resolution passes its second reading (48-0) and third reading with members standing and is ordered sent to the House of Representatives.

Upon motion of Senator Brown the Chair extends the courtesies of the gallery to Neita Rivenbark, niece; Kay Washington, Register of Deeds; Betty Jones; Doris Pettway, Assistant Clerk; Frank Clifton, County Manager; and Beth Purcell, County Clerk.

S.J.R. 931, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR ROBERT L. HOLLOMAN.

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.

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Upon motion of Senator Jones, the joint resolution is read in its entirety and, upon motion of Senator Stevens, the remarks of the members, are spread upon the Journal, as follows:

Senator Jones:

“Thank you, Madame President. I met Robert Holloman approximately ten years ago. First of all I met his brother, Jesse, and Jesse said I needed to go by the courthouse and see his brother and I said the first chance I get I’ll go by there. Since that time I went by and talked to Robert and we became friends. Robert was concerned about everyone who was around him. He loved everyone. When we would sit down and talk he would always kid me about coming and driving the bus for Nebo. We both were bus drivers and that is what we did in our spare time and we would talk about sometime going on a trip together and both of us would just follow each other in taking the church on a trip. When he came to the General Assembly, and I was a Mayor, it was not anything I asked of Robert that he didn’t try to do. He was a great Senator here in this great Chamber. When I came here Robert would call me to his office and he would sit down and he would explain things and he took time. He really took time because he knew one day whoever was going to follow him would need that time to understand what the northeastern part of North Carolina was all about. He had his heart there. He really believed that we or he could make a difference in northeastern North Carolina. Several times I went with Robert to the hospital to see colleagues of ours in the hospital. He would pray and on the way back he would talk about the individual and how great they were. I never heard him say anything negative about anyone. Robert was a great person. We are going to miss Robert Holloman. We are starting to miss him now. I guess now when I go to that same office that he occupied and I see how he would have secretaries come by and he would explain to them about northeastern North Carolina and why we need to have better than what we have there now. But for a long time when I got with Robert he would always talk about his daughter and for a long time I kind of wondered about Robert’s age and how he could have such a young son until I told him one day that he had a long way to go to get that man through college. Then he explained to me that it was his grandson. When you would see one you would see the other. They would dress alike. He would be in the office with his granddad. He was a family man. I tell you that I have some fond memories of Robert Holloman and to think that I’m standing here today and my friend is gone.”

Senator Dorsett:

“First of all, I would say that Senator Holloman was a very valued member of this Body. He was also one of the best dressed members of this body. We talked a lot about his dress and he took great pride in it. The other thing that he took great pride in was the counties that he represented and when you heard him talk he could rattle off all of the counties. I think there were six or seven. But he took great pride in representing eastern and rural North Carolina. He was a very devoted family man. He always talked about his wife and was very proud of her and his daughter and his grandson. I would see the grandson here, as

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Senator Jones has said, and they would walk the halls and he was extremely proud of the success of that young man and so we will be watching you as you grow. He was also devoted to his church. I can remember his telling us that we needed to go down to see this beautiful facility and I didn't get a chance to go until it was at his service. That was a great tribute to his efforts and he was very dedicated to that. He was also dedicated to serving the constituents of all of those counties. I can remember that he pressed the Senate very hard to make sure that he was able to take things back to his community and he did. I was at a breakfast meeting not too long ago when he received an award from the health directors. I was looking to see that in here and I didn't see it, but I thought that it was quite a tribute to his efforts and what those health directors said was that they looked around for the person who had made the greatest contribution to their communities and to health and they found Senator Holloman and they honored him with that award. We will miss him. What I also have to say is that I have never seen in this Chamber so many people who have such love for him and you are here in great numbers to show that. We also share your love for Senator Holloman and his contributions and so I would urge you to support the resolution."

Senator Albertson:

"Members of the Senate, Robert Holloman was someone I always looked forward to seeing because I knew sometime during that time we would be talking. One of us would do something to make the other one laugh and I miss that about him so much. That was a great ability that he had that many of us probably could use more of. I was always glad to see Robert and I wrote a little thing about him one time and I told it right in the middle of the Chamber, if I can remember it Madame President. I think it goes like this. 'The preacher told his congregation their money was getting low and he said I have good and bad news that I think you should know. The good news is the money we have is much more than enough. The bad news is that it is in your pocket and you won't give it up.' I would tell Robert little stuff like that and he would just laugh and we had such a good time doing that. Senator Dannelly, I remember how Robert was a very well-dressed person. I mean he was always dressed as good as anyone could be dressed and, Senator Dannelly, I remember telling him a time or two, I would look at him and look at you and I would say you know what Senator Holloman? He would say what is that Charlie and I would say you look better than Senator Dannelly does today and that would just tickle him. But we had such a good relationship together. I always looked forward to seeing him. I always knew and felt in my heart that Robert Holloman loved me and I think that he knew that I loved him as well. He was a great person and I sorely miss him. I commend the resolution to you."

Senator Kinnaird:

"I had the privilege of being the seatmate of Robert Holloman and he was a great Senator, as everyone has said, and he cared about his district more than anything else. He cared a lot about state employees because he had suffered when his job was cut because we had cut the budget and he knew what it meant

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to all of the state employees. He was a great champion of state employees. Beyond that, he was a champion of justice and social justice for everybody. He felt everything that we did up here was directly related to his constituents and to constituents everywhere. He was very concerned about economic development for his area and he worked very hard to get the automotive industry started down there because he knew that it would change the dynamics of the economy in his area. His devotion to his church was incredible. Every Wednesday night, and it was a long trip, he would leave here and he would go back to his church for his Wednesday night prayer service and I would say can't you just skip this Wednesday night and he would say no, I am back there. He was so devoted and, of course, we all remember that he was a person whose dress rivaled Charlie Dannelly and I would do the same thing, checking back and forth and see who was the most shining. He would never say that he was any better dressed than Charlie Dannelly, but he got a kick out of it when he did. I was so shocked when he passed and I do miss him. I recommend the resolution."

Senator Jenkins:

"There have been a lot of things said about our friend, Robert. I came into the Senate with Robert and before the redistricting, I represented one of the counties that Robert then represented. I think it has been said that he really did care for northeastern North Carolina and I can safely say that I don't know of any situation when the two of us represented the same part of the State where we ever disagreed on anything. Robert was a dear friend of mine and when we weren't in Session we probably talked to each other each week about different issues. He would look after areas that he was responsible for up here on different committees that looked after all of northeastern North Carolina and I would do the same. Senator Jones was right. He just truly, truly cared about eastern North Carolina and I was really shocked when right before Christmas we were trying to get together a little meeting to talk about rural internet access in northeastern North Carolina. When we called to try to get up with Robert and couldn't and found out he said he just couldn't come to a meeting. I found that surprising and it was quite a shock to find out in January that Robert had died. I do commend this resolution to this Body. Thank you."

Senator Berger of Franklin:

"I am the Senator for Vance, Franklin, Granville, and Warren Counties because of Senator Holloman. When I made the decision to run for this seat, I came up here to Raleigh, sat down and met with him and he made a commitment to help me and he helped me in significant ways by identifying constituents in Vance and Warren County that I needed to meet with and he told me that I had his support in running for this office. I wouldn't have been able to have been elected without his help because he represented both Vance and Warren prior to redistricting. It doesn't surprise me that we have all the people here today to honor Senator Holloman. Senator Shaw and I had the fortunate opportunity in the past year and a half to attend an event at the church in Nebo in which his congregation had a rather lengthy event in which they honored Senator

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Holloman at that time and we had an opportunity to see how much love the community had for Senator Holloman. He is going to be greatly missed. Senator Kinnaird is correct in that he felt very strongly about his district and he felt very strongly about working people and the poor and I can tell you that he took great pride in what this Legislature did in the past session in terms of what we did for state employees in terms of a pay raise because he had been there. He had done that and he knew what it was like to have your income not go up and your health insurance costs go up and so he was very proud of the effort we did on behalf of state employees in playing a roll in that. He was very proud of his efforts at getting the advance vehicle research center to his region as well as Dollywood. He was a fighter for his district. He was a fighter for the State of North Carolina. Above all, he loved God and how much he did love God was very clear in his everyday presence and I know that is where he sits today with God looking down upon all of us. I commend this resolution.”

Senator Dannelly:

“Thank you very much. Madame President and ladies and gentlemen of the Senate, I didn’t know Robert long. In fact, I met him when he came up here to represent this district. What I found out about Robert is what many of us know and that is he did his homework because he knew me. Not only did he know me, but he probably knew practically every Senator that was in this Chamber before he came. It didn’t take me long to find out that he was networker. He could move around and network to accomplish what he wanted to. He was very compassionate about his service to his people and his service to his ministry. He was extremely proud of his ministry. What I found out about him is he put only God above his family. Robert, it appeared to me, knew everybody. He never met a stranger. I’d never seen him act as though somebody was a stranger. I found him to be very, very cooperative. Sometime Senators don’t agree and Robert was sort of a calming factor and he was always ready, like many other Senators, to find a way to find a solution to whatever the disagreement may be. When Robert first came to the Senate, he gave me, I can’t speak for others, every phone number he had and sometimes I would get a call and I would say where are you, come by the office, I’m on my way to Raleigh. He would say I’m in my automobile now and I’m on my way from Raleigh. He believed in keeping in contact with people, his friends, and he certainly was in contact with his ministry. We all will miss Robert and many of his friends are in this Chamber this evening to help us honor him and that is a testament to the love and the service that he has given them and this State. I urge you to support this resolution.”

Senator Shaw:

“Ladies and gentlemen of the Senate, I, too, rise to express my profound gratitude for having the pleasure of knowing such an honored and distinguished gentleman. It is kind of late in the evening and I think much has been said, but it would greatly trouble me if I didn’t stand to offer a few words to the family. He was a young man whose life was cut far too short by our standards and I’m sure

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his work was done. He loved the staff. He loved his family, his community and his church. He loved the work that he did. He loved Irma and he loved Alexis and just about everybody he came in contact with. He was a very quite, personable, and private individual. He had a very small circle and though his circle was very small it extended into very diverse ways. I would sometime talk with him and seek his counsel and he would always have the right words to say. There was not a problem that I didn't think was too complex that would be beyond his comprehension. I think at the end of the day you will walk away feeling that you have been served by a great person. I want to publicly thank Amy for all of her help and service that she provided to his family and to his staff and to those of us who were concerned about his illness and didn't realize the depth and gravity of his illness at that point in time. We all struggled with it and finally his wife informed us that his days were numbered and that we should come and see him. We knew immediately that the time was at hand and we got together and went and talked and prayed and laughed and loved one another and made it a very beautiful evening. I talked to my friend, Fred Smith, Senator Smith, the whole time. Fred and Robert were very close, closer than most people would realize, and there was a depth of a relationship there that you hardly ever see. These were two men from diverse backgrounds and paths but shared so much commonality. I respected that love and we talked among the three of us and it was very special and for this I am very grateful and thankful to have known this young man. Even though the time was short, it was very pleasing and good for my soul. I urge your support for the Resolution. Thank you."

Senator Smith:

"About five years ago when I came up here in January of 2003, as I was walking around trying to meet everyone I walked into a door, two doors down from my office. That was Robert Holloman's door and I just thought I would go in and introduce myself to him. So I did and we started talking and I had no idea when I did that that we would become such fast friends. Robert and I had a lot of common ground. Our families became fast friends. I can remember so many times, the times that Robert and I would be riding through Hertford County or Johnston County and clearly we came from different backgrounds and viewed some things differently and Robert would say Fred, why does your side vote this way? And I would try to explain and then I would look at Robert and I would say Robert, why does your side vote this way? And we were able to discuss things in a way that we both knew it was confidential. We both knew we could count on each other but he gave me a lot of understanding and, hopefully, maybe I did him, also. But we were able to virtually talk about anything and Robert and Velma invited Jenny and me to come up to Nebo Baptist Church and spend the weekend with them early on. So we went up there and went out to eat, Robert, Velma, Jenny and I, and we had a great time and then the next morning I had a chance to speak in his church and Jenny had a chance to sing and it was such a great weekend and I met Jacqueline and

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Keenen. I have had the chance to go back at least three times to speak at Nebo Baptist Church and I can still remember the pride that Robert had when we toured the church that Saturday night. We would go to different rooms and Robert would say this is where we help people who have drug problems or this is where we help train people on computers to get jobs. He told me how they had built that church with virtually nothing and I was totally impressed and really enjoyed being up there and our relationship. But it didn't stop there. Robert, Velma, and Keenen would come to our house and I had a Dalmatian dog and Keenen just loved that dog and they would go out and play in the yard and we would have a great time, but I have to tell about one night they came to our house and they were going to spend the night with us and somehow, somehow Jenny had left the window open in the guest bedroom and somehow the floodlights had attracted a bunch of critters. I don't know what they were, but it got time to go to bed about midnight and Velma and Robert went into their bedroom and we went into our bedroom. About three or four minutes later there was a knock on the door. They said I don't know if we can sleep in here. There were so many bugs in the bedroom. We were totally embarrassed so I got dressed and I left to go to Wal-Mart to find some bug spray. But we had a great time that night and they were just great folks and it was some night, but they forgave us and came back and Keenen came back and played with Spotty and it was great. But I want to talk a little bit about Robert Holloman, the man. I was reading last night and I came upon this paragraph from T. E. Laurence from *Laurence of Arabia* and in his book, *Seven Pillars of Wisdom*, he said, 'All men dream, but not equally. Those who dream by night in the dusty recesses of their mind, wake in the day to find that it was vanity, but the dreamers of the day are dangerous men, for they may act their dream with open eyes to make it possible.' That is what Robert Holloman did. He tried to be a dreamer of the day. He worked hard for the people of his district. He tried in any way possible to help other people. I've talked about what he did at his church, just an outstanding church. But let me just tell you one thing that Robert asked me to do last fall and we did together. There was a church down in Hyde County that the hurricane had totally destroyed. Robert called me and said, 'Fred, we need to take them some money.' We agreed what we would do and so I drove and met Robert and we drove all the way to Hyde County one Sunday afternoon last fall. This was not even a church in his district, but it was a church that he had a relationship with and they had a dedication ceremony because they had finally gotten part of their church built back. But we were talking and Robert was so glad that we could go spend that time with those folks. That was just one example of how he tried to help people in all of Eastern North Carolina. So in closing as Robert is looking down on us and listening to what we are saying here today, the best thing I can say about Robert is that he fought the good fight, he finished the race, he kept the faith, and that there is in store for him a crown of righteousness which the Lord, the righteous judge, will award to him on that day. Thank you and I commend the resolution to you."

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Senator Atwater:

“I remember two things in particular. I remember the kindness he exhibited to me when I first came into this Chamber. The other thing that I remember that I want to share with you is the time that our Lieutenant Governor invited him to have the prayer before one of our Sessions and as fine a Senator as Robert Holloman was, at his core, he was quintessentially a minister of the Gospel. It was such a moving prayer. Thank you.”

The joint resolution passes its second reading (48-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

The Chair extends the courtesies of the gallery to Velma Murphy Holloman, Senator Holloman's wife; daughter, Jacquelyn Denise; grandson, Keenen Jamal; sisters, Mary Beasley, Nellie Holland, Diann Craft; brothers, Edward and Jesse Holloman; The Reverend Robert Sessoms; Deacon Roger Eason; Nebo Missionary Baptist Church Members; Deaconess, Mary P. Tyner and Patricia Grant; The Reverend Roy Faison and Alton Basemore; Deacons, Donald Grant, Roger Eason, Jermaine Vaughan, Alfred Tyner, George Holley, and Carl Gaither and other family members and friends.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 424, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RESPITE CARE AND TO RECOMMEND WAYS TO IMPROVE THE CURRENT RESPITE CARE DELIVERY SYSTEM.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 642, AN ACT TO REMOVE DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MCADENVILLE AND ANNEX IT TO THE TOWN OF CRAMERTON.

CALENDAR *(continued)*

S.B. 581 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING COUNTIES TO PROVIDE BUILDING PERMIT FEE REDUCTIONS OR REBATES TO ENCOURAGE CONSTRUCTION OF BUILDINGS USING SUSTAINABLE DESIGN PRINCIPLES TO ACHIEVE ENERGY PERFORMANCE STANDARDS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 1532 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE FUTURE-READY CORE HIGH SCHOOL GRADUATION REQUIREMENTS ADOPTED BY THE STATE BOARD OF EDUCATION.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Education/Public Instruction Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Cowell for the **Information Technology Committee**:

S.B. 112, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE E-NC AUTHORITY TO INCREASE THE AVAILABILITY OF INTERNET CONNECTIVITY IN UNDERSERVED AREAS OF THE STATE THROUGH INCENTIVE GRANTS, TO PROVIDE ADDITIONAL FUNDING FOR GENERAL OPERATIONS, TO EXPAND THE FUNDING FOR THE E-NC BUSINESS AND TECHNOLOGY TELECENTERS PROGRAM, AND TO PROVIDE INCENTIVES TO E-COMMUNITIES, LOCAL E-GOVERNMENT UTILIZATION PROGRAM PARTICIPANTS, AND E-COMMERCE INITIATIVES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1552, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DEVELOPMENT OF AN ENTERPRISE APPROACH TO THE STATE'S ABILITY TO EFFICIENTLY RETRIEVE AND SHARE DATA AND INFORMATION IN STATE GOVERNMENT; ENABLE STATE LEADERS, POLICYMAKERS, LOCAL GOVERNMENTS, AND THE PUBLIC TO ACCESS TIMELY, COMPLETE, AND ACCURATE INFORMATION ON GOVERNMENTAL AND PROGRAMMATIC OPERATIONS; AND ENHANCE THE ABILITY TO BETTER IDENTIFY AND UNDERSTAND ISSUES AND TO MAKE THE BEST DECISIONS FOR NORTH CAROLINA, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Bingham for the **Health Care Committee**:

S.B. 812, A BILL TO BE ENTITLED AN ACT TO REQUIRE PASSENGER SAFETY RESTRAINT SYSTEMS BE INSTALLED AND USED ON NEW SCHOOL BUSES OPERATED BY PUBLIC OR PRIVATE

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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 55441, which changes the title to read **S.B. 812** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE CHILD FATALITY TASK FORCE TO STUDY ISSUES RELATING TO REQUIRING THE INSTALLATION AND USE OF PASSENGER SAFETY RESTRAINT SYSTEMS ON SCHOOL BUSES, is adopted and engrossed.

S.B. 1337, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA DENTAL HYGIENE ACT TO PROVIDE FOR CERTAIN ACTIVITIES TO BE PERFORMED BY LICENSED HYGIENISTS WITH LIMITED SUPERVISION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55442, which changes the title to read **S.B. 1337** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA DENTAL HYGIENE ACT TO PROVIDE FOR CERTAIN ACTIVITIES TO BE PERFORMED BY LICENSED HYGIENISTS OUTSIDE THE DIRECT SUPERVISION OF A DENTIST, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 1245 (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE BIDDING THRESHOLD FOR PUBLIC CONSTRUCTION CONTRACTS AND AMENDING THE LAWS RELATED TO RETAINAGE PAYMENTS ON CONSTRUCTION CONTRACTS.

The Committee Substitute bill passes its second reading (46-2).

Senator McKissick objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, May 3, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA INTERNAL AUDIT ACT, referred to the **Commerce, Small Business and Entrepreneurship Committee** on Tuesday, May 1.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce, Small Business and Entrepreneurship Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce, Small Business and Entrepreneurship Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

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CALENDAR (*continued*)

S.B. 1292, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT A POLICY REQUIRING TEACHERS TO TAKE CREDITS IN THEIR ACADEMIC SUBJECT AREA AS PART OF THE LICENSURE RENEWAL PROCESS.

Senator Swindell offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second (44-4) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1482 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE REQUIREMENTS OF G.S. 163-102.6 SUBDIVISIONS LOCATED WITHIN THE EXTRATERRITORIAL PLANNING JURISDICTION OF MUNICIPALITIES HAVING A POPULATION OF AT LEAST 500,000, IN AND TO THE EXTENT THAT SUCH SUBDIVISIONS CONTAIN STREETS THAT HAVE BEEN APPROVED BY ANY SUCH MUNICIPALITY AS MEETING THE PUBLIC STREET STANDARDS OF SUCH MUNICIPALITY PRIOR TO THE EFFECTIVE DATE OF THIS ACT, AND TO EXEMPT SUCH SUBDIVISIONS FROM ANY ORDINANCE REQUIREMENT THAT SUCH PUBLIC STREETS MEET THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

The Committee Substitute bill passes its second (48-0) 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. 491, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HOWARD J. HUNTER, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Rand, the Rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

The joint resolution passes its second reading (47-0) and third reading with members standing and is ordered enrolled.

The Chair extends courtesies of the gallery to the following guests: Loria Williams, Hertford County Manager; Howard Hunter III, Vice Chairman, Hertford County Commissioners; and members, Dupont Davis and Johnny Farmer; Zee Lamb, Bertie County Manager; Lewis C. Hoggard, Vice Chairman, Bertie County Commissioners; and members, Norman Cherry and Charles Smith; and Sue Weimer, Perquimans County Commissioner.

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Upon motion of Senator Dannelly, seconded by Senator Albertson, the Senate adjourns subject to reading of messages from the House of Representatives and a message from the Governor, to meet Thursday, May 3, at 12:00 Noon.

MESSAGE FROM THE GOVERNOR

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER·RALEIGH, NC 27699-0301**

MICHAEL F. EASLEY
GOVERNOR

April 30, 2007

The Honorable Beverly Perdue
Lieutenant Governor
2104 Legislative Office Building
Raleigh, NC 27699

Dear Lt. Governor Perdue

Pursuant to General Statute § 62-15, I hereby appoint Robert P. Gruber to serve as Executive Director of the public staff of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. Mr. Gruber's term shall begin upon confirmation and will expire June 30, 2013.

Enclosed is biographical information on this appointee. Please feel free to call on him or members of my staff if you need additional information.

With kindest regards, I remain

Very truly yours
S/Michael F. Easley

MFE: as

cc: The Honorable Marc Basnight
The Honorable Joe Hackney
Ms. Denise Weeks
MS. Janet Pruitt

Referred to the **Commerce, Small Business and Entrepreneurship Committee.**

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 149 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE EXPIRATION OF AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND ALLOWING USE FOR ELECTRIC FACILITIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 3, for concurrence.

H.B. 29 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR SATELLITE-BASED MONITORING OF SEX OFFENDERS AND TO MAKE OTHER CHANGES TO THE SEX OFFENDER LAWS.

Referred to the **Judiciary I Committee**.

H.B. 36 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE OVERSIGHT OF HAZARDOUS WASTE FACILITIES, AS RECOMMENDED BY THE GOVERNOR'S HAZARDOUS MATERIALS TASK FORCE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 265 (Committee Substitute No. 4), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 621 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF BEECH MOUNTAIN.

Referred to the **Finance Committee**.

H.B. 700, A BILL TO BE ENTITLED AN ACT TO CLARIFY STANDARDS FOR CODE-ENFORCEMENT OFFICIALS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 737, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAWS RELATING TO THE MONITORING OF SOLVENCY OF INSURANCE COMPANIES AND OTHER RISK-BEARING ENTITIES REGULATED BY THE COMMISSIONER OF INSURANCE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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H.B. 836, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISIONS IN BERTIE COUNTY.

Referred to the **State & Local Government Committee**.

H.B. 851, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EDUCATIONAL REQUIREMENT FOR THE TEACHER ASSISTANT SCHOLARSHIP FUND.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 862 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANT PROTECTION AND CONSERVATION ACT.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 942, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OAK ISLAND TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF THE LOCAL SHARE OF CONSTRUCTING BEACH NOURISHMENT PROJECTS PRIOR TO THE CONSTRUCTION OF THE PROJECTS.

Referred to the **Finance Committee**.

H.B. 1018 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM AND THE TOWN OF WILLIAMSTON TO EXPEDITE REMOVAL OF OVERGROWN VEGETATION BY AMENDING THE DEFINITION OF CHRONIC VIOLATOR.

Referred to the **State & Local Government Committee**.

H.B. 1060 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OF THE STATE.

Referred to the **State & Local Government Committee**.

H.B. 1097 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL AND THE CITY OF ASHEVILLE TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION.

Referred to the **Finance Committee**.

H.B. 1120, A BILL TO BE ENTITLED AN ACT REPEALING THE LOCAL MODIFICATION RELATING TO THE DEFINITION OF SUBDIVISION IN PASQUOTANK COUNTY.

Referred to the **State & Local Government Committee**.

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H.B. 1168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING A PROTEST PETITION REQUIREMENT FOR PITT COUNTY.

Referred to the **Judiciary II Committee**.

H.B. 1193, A BILL TO BE ENTITLED AN ACT ADDING NONCONTIGUOUS MUNICIPAL OWNED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF RAMSEUR.

Referred to the **Finance Committee**.

H.B. 1625 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EYEWITNESS IDENTIFICATION REFORM ACT.

Referred to the **Judiciary I Committee**.

H.J.R. 1865, A JOINT RESOLUTION HONORING THE NORTH CAROLINA CENTRAL UNIVERSITY EAGLES ON WINNING ITS SECOND STRAIGHT CIAA FOOTBALL CHAMPIONSHIP.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:53 P.M.

FIFTY-EIGHTH DAY

Senate Chamber
Thursday, May 3, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our God, at this very moment, prayers are being voiced all over our Country on this National Day of Prayer. That you hear and respond to the one and to the many is a magnificent grace. But let us never separate such a quiet moment of communication with you from the rest of our day's activities. We are always praying when we are doing our duty and turning it into work for you. I pray that we regard as spiritual moments our professional work, our social engagements, friendly visits, kind actions, small courtesies. So long as we link all these by intention with you, we will never stop praying at anytime, any day. Amen."

May 3, 2007

The Chair grants leaves of absence for today to Senator Basnight and Senator Malone.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, May 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Susan R. Mims from Asheville, North Carolina, who is serving the Senate as Doctor of the Day, and to Jan DiSantostefano from Apex, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill and joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 506, AN ACT TO AUTHORIZE WESTERN PIEDMONT COMMUNITY COLLEGE TO ENTER INTO AN AGREEMENT WITH BURKE COUNTY.

S.J.R. 931, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR ROBERT L. HOLLOMAN. (Res. 28)

H.J.R. 491, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HOWARD J. HUNTER, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 29)

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 642, AN ACT TO REMOVE DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MCADENVILLE AND ANNEX IT TO THE TOWN OF CRAMERTON. (Became law upon ratification, May 2, 2007 - S.L. 2007-34.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

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H.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT LAW ENFORCEMENT OFFICERS OF COUNTIES SHALL INCLUDE OFFICERS OF CONSOLIDATED COUNTY-CITY LAW ENFORCEMENT AGENCIES, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1538 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPLY STATEWIDE BOARDS OF COUNTY COMMISSIONERS AUTHORITY OVER COMMISSIONS, BOARDS, AND AGENCIES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Health Care Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hagan for the **Appropriations/Base Budget Committee**:

S.B. 1065, A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO IMPLEMENT A TUITION SURCHARGE AND TO USE ENDOWED SCHOLARSHIP FUNDS TO OFFSET THE COST OF A TUITION SURCHARGE, with a favorable report.

S.B. 1167, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF ADMINISTRATION TO INFORM THE COUNTY COMMISSIONERS BEFORE ACQUIRING LAND IN A COUNTY, with a favorable report.

S.B. 1479 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS, with a favorable report.

CALENDAR *(continued)*

S.B. 473 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING ON PRIVATE PROPERTY WITHOUT WRITTEN PERMISSION FROM THE LANDOWNER OR LESSEE AND TO PROHIBIT HUNTING ON PRIVATE PROPERTY WHILE UNDER THE INFLUENCE OF AN IMPAIRING SUBSTANCE.

Senator Smith 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.

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H.B. 564 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BRUNSWICK COUNTY ALCOHOLIC BEVERAGE CONTROL SYSTEM TO RELOCATE A STORE IN SUPPLY AND A STORE IN SUNSET BEACH TO A NEW LOCATION WITHIN SEVEN MILES OF ANOTHER ALCOHOLIC BEVERAGE CONTROL STORE IN BRUNSWICK 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.

S.B. 149 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE EXPIRATION OF AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND ALLOWING USE FOR ELECTRIC FACILITIES, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Stevens, 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, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 175 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE INTERSTATE WILDLIFE VIOLATOR COMPACT IN NORTH CAROLINA.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 812 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE CHILD FATALITY TASK FORCE TO STUDY ISSUES RELATING TO REQUIRING THE INSTALLATION AND USE OF PASSENGER SAFETY RESTRAINT SYSTEMS ON SCHOOL BUSES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1337 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA DENTAL HYGIENE ACT TO PROVIDE FOR CERTAIN ACTIVITIES TO BE PERFORMED BY

LICENSED HYGIENISTS OUTSIDE THE DIRECT SUPERVISION OF A DENTIST.

Senator Purcell offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1245 (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE BIDDING THRESHOLD FOR PUBLIC CONSTRUCTION CONTRACTS AND AMENDING THE LAWS RELATED TO RETAINAGE PAYMENTS ON CONSTRUCTION CONTRACTS.

The Committee Substitute bill passes its third reading (47-0) and is ordered sent to the House of Representatives.

ADDITIONAL SPONSOR

Senator Foriest requests to be added as a sponsor of previously introduced legislation:

S.B. 516, A BILL TO BE ENTITLED AN ACT PROVIDING FOR HOW THE STATE TREASURER SHALL ADDRESS CERTAIN STATE INVESTMENTS RELATING TO SUDAN.

Upon motion of Senator Dannelly, seconded by Senator Kinnaird, the Senate adjourns at 12:24 P.M. to meet Monday, May 7, at 7:00 P.M.

FIFTY-NINTH DAY

Senate Chamber
Monday, May 7, 2007

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 our God, as the Senate begins a new week pressing ever forward in debate and decision, we confess that it is human nature to want answers that are easy, roads that are smooth, results that come quickly. Sometimes in our searchings, we forget and leave you out of that process. Forgive us. Let our first order of business be to seek your guidance in all that is deliberated in the Chamber so that you may be a lamp unto our feet and a light into our pathways. In your Holy name we pray. Amen."

May 7, 2007

The Chair grants leaves of absence for tonight to Senator Albertson, Senator Berger of Rockingham and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, May 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Conrad Flick from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hagan for the **Appropriations/Base Budget Committee**:

S.B. 1170, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF TRANSPORTATION TO CONSULT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS BEFORE BEGINNING CONSTRUCTION OF NEW WELCOME CENTER BUILDINGS, with a favorable report.

S.B. 1132, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN STATE GOVERNMENT BY ESTABLISHING A PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55445, is adopted and engrossed.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 340, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE ISSUANCE OF ABC PERMITS TO RESIDENTIAL PRIVATE CLUBS AND SPORTS CLUBS, with a favorable report.

S.B. 1178, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE UTILITIES COMMISSION TO APPROVE CENTRAL NATURAL GAS SYSTEMS AND METERS TO SERVE RESIDENTS IN MULTIUNIT RESIDENTIAL BUILDINGS WHO USE ENERGY EFFICIENT APPLIANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55446, which

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changes the title to read **S.B. 1178** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF MASTER METERS FOR ELECTRIC AND NATURAL GAS SERVICE IN HOTELS OR MOTELS THAT HAVE BEEN CONVERTED INTO CONDOMINIUMS, is adopted and engrossed.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 149 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REPEALING THE EXPIRATION OF AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND ALLOWING USE FOR ELECTRIC FACILITIES, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Stevens, the Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Smith, Snow, Soles, Stevens, Swindell and Tillman---44.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1065, A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO IMPLEMENT A TUITION SURCHARGE AND TO USE ENDOWED SCHOLARSHIP FUNDS TO OFFSET THE COST OF A TUITION SURCHARGE.

The bill passes its second reading (45-0).

Senator Dalton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, May 8, upon third reading.

S.B. 1167, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF ADMINISTRATION TO INFORM THE COUNTY COMMISSIONERS BEFORE ACQUIRING LAND IN A COUNTY.

Senator Stevens offers Amendment No. 1 which is adopted (45-0), and changes the title to read **S.B. 1167**, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF ADMINISTRATION TO INFORM COUNTIES AND MUNICIPALITIES BEFORE ACQUIRING LAND WITHIN THEIR BOUNDARIES.

The bill, as amended, passes its second (45-0) and third readings and is ordered engrossed and sent to the House of Representatives.

May 7, 2007

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1035, A JOINT RESOLUTION HONORING THE MEMORY OF FREDERICK LAW OLMSTED AND RECOGNIZING NATIONAL LANDSCAPE ARCHITECTURE MONTH. (Res. 30)

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. 506, AN ACT TO AUTHORIZE WESTERN PIEDMONT COMMUNITY COLLEGE TO ENTER INTO AN AGREEMENT WITH BURKE COUNTY. (Became law upon ratification, May 3, 2007 - S.L. 2007-35.)

S.B. 258, AN ACT ADOPTING THE SALUTE TO THE FLAG OF NORTH CAROLINA AS THE OFFICIAL PLEDGE TO THE STATE FLAG. (Became law upon approval of the Governor, May 4, 2007 - S.L. 2007-36.)

CALENDAR *(continued)*

S.B. 1479 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

H.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT LAW ENFORCEMENT OFFICERS OF COUNTIES SHALL INCLUDE OFFICERS OF CONSOLIDATED COUNTY-CITY LAW ENFORCEMENT AGENCIES.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 1362, A BILL TO BE ENTITLED AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY AN INDEPENDENT CONTRACTOR RETAINED BY THE ENVIRONMENT MANAGEMENT COMMISSION AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES, referred to the **Commerce, Small Business and Entrepreneurship**

May 7, 2007

Committee on March 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce, Small Business and Entrepreneurship 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 **Commerce, Small Business and Entrepreneurship Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

S.B. 881 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE THE RESIDENCY REQUIREMENTS FOR LICENSURE UNDER THE LAWS PERTAINING TO BAIL BONDSMEN AND RUNNERS AND TO MAKE OTHER STYLISTIC CHANGES, referred to the **Finance Committee** on April 25.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the Calendar for Wednesday, May 9, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and places it on the Calendar for Wednesday, May 9.

S.B. 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT, referred to the **Judiciary I Committee** on February 27.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Select Committee on Government and Election Reform**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Select Committee on Government and Election Reform**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Terese Barrett, Eagle Springs; Camay Butler, Raleigh; Callie Crain, Spindale; Tamra Fisher, Cary; Brittney Frazier, Raleigh; Michelle Grimes, Pikeville; Karlen Guyton, Havelock; Kirsten Guyton, Havelock; Bill Mallett, Newton; Dominique Perry, Raleigh; Ronisha Reid, Charlotte; Tiffani Sawyer, Wake Forest; Darya Smith, Rutherfordton; Jackie Sparks, Waynesville; Dwayne Wakefield, Jr., Mebane; and Caitlyn Wood, Apex.

May 7, 2007

ADDITIONAL SPONSORS

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 171, A BILL TO BE ENTITLED AN ACT TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE.

S.B. 657, A BILL TO BE ENTITLED AN ACT TO ENACT THE OMNIBUS CIVIL RIGHTS ACT.

S.B. 758, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE.

S.B. 782, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADDITIONAL DISTRICT COURT JUDGE, THREE ADDITIONAL ASSISTANT DISTRICT ATTORNEYS, SIX ADDITIONAL MAGISTRATES, AND FIVE ADDITIONAL DEPUTY CLERKS.

S.B. 812, A BILL TO BE ENTITLED AN ACT TO REQUIRE PASSENGER SAFETY RESTRAINT SYSTEMS BE INSTALLED AND USED ON NEW SCHOOL BUSES OPERATED BY PUBLIC OR PRIVATE SCHOOLS.

S.B. 1081, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES, TO ALLOW DISCLOSURE OF EXPUNGED INFORMATION TO LAW ENFORCEMENT AGENCIES AND FEDERALLY INSURED DEPOSITORY INSTITUTIONS FOR EMPLOYMENT PURPOSES ONLY AND TO REQUIRE THOSE AGENCIES AND INSTITUTIONS TO MAINTAIN THE CONFIDENTIALITY OF THE EXPUNGED INFORMATION, TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES, TO INCREASE THE FEES FOR EXPUNCTIONS, AND TO REQUIRE STATE AND NATIONAL CRIMINAL RECORD CHECKS WHEN EXPUNGING RECORDS.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Tuesday, May 8, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

May 7, 2007

H.B. 266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN APPURTENANCE TOLERANCE OF SIX INCHES FOR RECREATIONAL VEHICLES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD.

Referred to the **State & Local Government Committee**.

H.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND EXISTING CHILD WELFARE LAWS TO COMPLY WITH FEDERAL LAW AND REGULATIONS.

Referred to the **Judiciary I Committee**.

H.B. 710, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO PROVIDE THAT COUNCIL VACANCIES ARE FILLED UNDER GENERAL LAW, AND 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**.

H.B. 731 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS PURCHASING ANNUITY PRODUCTS; ADDRESS PORTABILITY IN ACCIDENT AND HEALTH AND LIFE INSURANCE; MAKE MINOR CHANGES IN THE LAWS ON MANAGED CARE EXTERNAL REVIEWS; CLARIFY DEFINITIONS IN LONG-TERM CARE INSURANCE; ADDRESS SMALL EMPLOYER CARRIER PLAN ELECTIONS; DEFINE "CRITICAL PERIOD CONVERSION RATIO" FOR CREDIT INSURANCE; MAKE MISCELLANEOUS AMENDMENTS TO OTHER PROVISIONS RELATED TO LIFE AND HEALTH INSURANCE; AND MAKE TECHNICAL CORRECTIONS IN INSURANCE CODE REFERENCES TO THE TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

May 7, 2007

H.B. 1103, A BILL TO BE ENTITLED AN ACT TO ALLOW CURRITUCK COUNTY TO REDEFINE ITS RESIDENCY DISTRICTS IN 2007 AFTER PUBLIC INPUT.

Referred to the **State & Local Government Committee**.

H.B. 1287 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DENIAL OF A LICENSE OR PERMIT TO PURCHASE A PISTOL SHALL BE REPORTED TO THE STATE BUREAU OF INVESTIGATION BY ENTRY INTO AN APPROPRIATE COMPUTERIZED DATABASE THAT IS ACCESSIBLE TO SHERIFFS STATEWIDE.

Referred to the **Judiciary II Committee**.

H.B. 1322 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING LOCAL FIRE CHIEFS, COUNTY FIRE MARSHALS, AND LOCAL EMERGENCY SERVICES DIRECTORS WITH THE AUTHORITY TO REQUEST CRIMINAL HISTORIES FROM THE DEPARTMENT OF JUSTICE FOR APPLICANTS TO FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES IN UNITS OF LOCAL GOVERNMENT.

Referred to the **Judiciary II Committee**.

H.B. 1357, A BILL TO BE ENTITLED AN ACT TO ALLOW A CHILD WHO IS NOT A DOMICILIARY OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND, WITHOUT PAYMENT OF TUITION, THE PUBLIC SCHOOLS OF THAT UNIT IF THE CHILD RESIDES WITH AN ADULT WHO IS A DOMICILIARY OF THAT UNIT BECAUSE THE CHILD'S PARENT OR GUARDIAN HAS BEEN CALLED TO ACTIVE MILITARY DUTY OR ACTIVE DUTY WITH THE NATIONAL GUARD.

Referred to the **Education/Public Instruction Committee**.

H.B. 1449, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR TERMS FOR THE MEMBERS OF THE NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS COMMISSION.

Referred to the **Education/Public Instruction Committee**.

H.B. 1464, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT RULES PROVIDING FOR EXCUSED ABSENCES FROM SCHOOL FOR LEGISLATIVE PAGES.

Referred to the **Education/Public Instruction Committee**.

H.B. 1586, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE INDEPENDENT OPERATION OF THE OUTDOOR DRAMA "STRIKE AT THE WIND."

Referred to the **State & Local Government Committee**.

May 7, 2007

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:41 P.M.

SIXTIETH DAY

Senate Chamber
Tuesday, May 8, 2007

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 Steve Goss, Senator from Watauga County as follows:

"Our creator of Heaven and Earth, we are human. One moment we can be living with a great breath of peace and understanding and a second later the phone rings or a knock comes at the door, and that moment of tranquility can become a night of fear, loss and hopelessness. But then through you, O Lord, we take another breath and hope revisits us in a mighty way. May we never lose hope. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, May 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Henry Vega from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Pam Hillman from Smithfield, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 343, AN ACT TO CLARIFY THAT LAW ENFORCEMENT OFFICERS OF COUNTIES SHALL INCLUDE OFFICERS OF CONSOLIDATED COUNTY-CITY LAW ENFORCEMENT AGENCIES.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

May 8, 2007

S.B. 149, AN ACT REPEALING THE EXPIRATION OF AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND ALLOWING USE FOR ELECTRIC FACILITIES.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Finance Committee**:

H.B. 407, A BILL TO BE ENTITLED AN ACT EXTENDING THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF MAGNOLIA, with a favorable report.

S.B. 620, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF LEWISTON WOODVILLE TO BORROW MONEY FROM THE COUNTY OF BERTIE FOR THE PURPOSE OF REPAYING THE INTERNAL REVENUE 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 15081, which changes the title to read **S.B. 620** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO MAKE LOANS TO CITIES UNDER CERTAIN CONDITIONS FOR THE PURPOSE OF REPAYING A DEBT OWED TO THE FEDERAL GOVERNMENT, is adopted and engrossed.

S.B. 738, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR-HIRE FARM TRACTORS AND IMPLEMENTS OF HUSBANDRY TO BE EXEMPT FROM REGISTRATION REQUIREMENTS, TO INCREASE THE DISTANCE THE FARM TRACTOR OR IMPLEMENT OF HUSBANDRY MAY TRAVEL WITHOUT HAVING TO BE A REGISTERED VEHICLE, TO INCREASE THE LENGTH ALLOWED FOR TRUCKS TRANSPORTING COTTON, AND TO INCREASE THE WIDTH ALLOWED FOR VEHICLES WITH SELF-LOADING BEDS THAT TRANSPORT COTTON, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55444, which changes the title to read **S.B. 738** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FOR-HIRE VEHICLES USED FOR CERTAIN AGRICULTURAL PURPOSES FROM THE VEHICLE REGISTRATION REQUIREMENTS, TO INCREASE THE ALLOWED LENGTH OF TRUCKS THAT TRANSPORT COTTON, AND TO CLARIFY THAT FARM EQUIPMENT INCLUDES TRUCKS THAT TRANSPORT COTTON, is adopted and engrossed.

May 8, 2007

S.B. 758 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE, 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, 35367, is adopted and engrossed.

By Senator Clodfelter for the **Select Committee on Government and Election Reform**:

S.B. 954, A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75401, is adopted and engrossed.

S.B. 1218, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CANDIDATES TO DISCLOSE FELONY CONVICTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85308, is adopted and engrossed.

S.B. 1263, A BILL TO BE ENTITLED AN ACT TO AMEND THE ELECTION LAWS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75402, which changes the title to read **S.B. 1263** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ELECTION LAWS; TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 1270, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LARCENY STATUTES AND TO CREATE THE CRIMINAL OFFENSES OF THEFT OF INFANT FORMULA AND ORGANIZED RETAIL THEFT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75399, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

May 8, 2007

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 556, A BILL TO BE ENTITLED AN ACT AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING OR STRUCTURE CODE, with a favorable report.

S.B. 819, A BILL TO BE ENTITLED AN ACT CLARIFYING THE LAW REGARDING THE GIFT OR SALE OF CRAFT ITEMS MADE WITH DONATED SUPPLIES AND EQUIPMENT BY VOLUNTEERS WHO ARE INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1467, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTIES FOR VIOLATIONS OF LAWS TO PROTECT AIR QUALITY, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 1468, A BILL TO BE ENTITLED AN ACT TO PROMOTE INNOVATIVE STORMWATER MANAGEMENT AND WATER QUALITY PROTECTION EFFORTS, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 340, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE ISSUANCE OF ABC PERMITS TO RESIDENTIAL PRIVATE CLUBS AND SPORTS CLUBS.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 1065, A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO IMPLEMENT A TUITION SURCHARGE AND TO USE ENDOWED SCHOLARSHIP FUNDS TO OFFSET THE COST OF A TUITION SURCHARGE.

Upon motion of Senator Dalton, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 9.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

May 8, 2007

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 30, A BILL TO BE ENTITLED AN ACT TO AMEND LAWS TO PROVIDE GREATER PROTECTION FOR DOMESTIC VIOLENCE VICTIMS AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65242, is adopted and engrossed.

S.B. 869, A BILL TO BE ENTITLED AN ACT TO ADD FELONY CHILD ABUSE TO THE LIST OF SEX OFFENDER REGISTRY OFFENSES WHEN THE OFFENSE INVOLVES PROSTITUTION OF A JUVENILE OR THE COMMISSION OF A SEXUAL ACT UPON A JUVENILE, TO REQUIRE THAT A SEX OFFENDER REGISTER HIS OR HER ELECTRONIC MAIL ADDRESS OR OTHER ONLINE IDENTIFIER IN THE STATEWIDE SEX OFFENDER REGISTRY, TO ALLOW LIMITED RELEASE OF ONLINE IDENTIFIER INFORMATION IN THE SEX OFFENDER REGISTRY TO CERTAIN ENTITIES THAT PROVIDE ELECTRONIC MAIL SERVICES AND OTHER INTERNET SERVICES FOR THE PURPOSE OF SCREENING ONLINE USERS, TO PROVIDE THAT THE COURT MAY ORDER A CONVICTED SEX OFFENDER WHO FAILS TO REGISTER AS A SEX OFFENDER TO FORFEIT CERTAIN LICENSING PRIVILEGES, TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP PROCEDURES TO ENSURE TIMELY NOTIFICATION OF THE DIVISION OF CRIMINAL STATISTICS AND SHERIFFS OF PERSONS REQUIRED TO REGISTER WHO ARE NOT SENTENCED TO ACTIVE TIME, AND TO APPROPRIATE FUNDS FOR THE GOVERNOR'S CRIME COMMISSION TO USE TO AWARD AS MATCHING GRANTS TO ELIGIBLE SHERIFFS' OFFICES TO ENHANCE AND SUPPORT THEIR EFFORTS TO ENFORCE THE STATE'S SEX OFFENDER LAWS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55447, which changes the title to read **S.B. 869** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD FELONY CHILD ABUSE TO THE LIST OF SEX OFFENDER REGISTRY OFFENSES WHEN THE OFFENSE INVOLVES PROSTITUTION OF A JUVENILE OR THE COMMISSION OF A SEXUAL ACT UPON A JUVENILE, TO REQUIRE THAT A SEX OFFENDER REGISTER HIS OR HER ELECTRONIC MAIL ADDRESS OR OTHER ONLINE IDENTIFIER IN THE STATEWIDE SEX OFFENDER REGISTRY, TO ALLOW LIMITED RELEASE OF ONLINE IDENTIFIER INFORMATION IN THE SEX OFFENDER REGISTRY TO CERTAIN ENTITIES THAT PROVIDE ELECTRONIC MAIL SERVICES AND OTHER INTERNET SERVICES FOR THE PURPOSE OF SCREENING ONLINE USERS, TO PROVIDE THAT THE COURT MAY ORDER A CONVICTED SEX OFFENDER WHO FAILS TO REGISTER AS A SEX OFFENDER TO

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FORFEIT CERTAIN LICENSING PRIVILEGES, TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP PROCEDURES TO ENSURE TIMELY NOTIFICATION OF THE DIVISION OF CRIMINAL INFORMATION AND SHERIFFS OF PERSONS REQUIRED TO REGISTER WHO ARE NOT SENTENCED TO ACTIVE TIME, AND TO AUTHORIZE FUNDS FOR THE GOVERNOR'S CRIME COMMISSION TO USE TO AWARD AS MATCHING GRANTS TO ELIGIBLE SHERIFFS' OFFICES TO ENHANCE AND SUPPORT THEIR EFFORTS TO ENFORCE THE STATE'S SEX OFFENDER LAWS, is adopted and engrossed.

Upon motion of Senator Nesbitt, the Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR *(continued)*

S.B. 1132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN STATE GOVERNMENT BY ESTABLISHING A PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1170, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF TRANSPORTATION TO CONSULT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS BEFORE BEGINNING CONSTRUCTION OF NEW WELCOME CENTER BUILDINGS.

The bill passes its second (48-2) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 92, A BILL TO BE ENTITLED AN ACT TO REQUIRE OWNERS OF DANGEROUS AND POTENTIALLY DANGEROUS DOGS TO ACQUIRE LIABILITY INSURANCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55451, which changes the title to read **S.B. 92** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE OWNERS OF SOME DANGEROUS DOGS TO PROVIDE PROOF OF FINANCIAL RESPONSIBILITY, is adopted and engrossed.

May 8, 2007

S.B. 1046, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO MAKE ADVANCE DIRECTIVES AND TO DESIGNATE HEALTH CARE AGENTS; AND TO IMPROVE AND SIMPLIFY THE MEANS OF MAKING THESE DIRECTIVES AND DESIGNATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35368, which changes the title to read **S.B. 1046** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO MAKE ADVANCE DIRECTIVES AND TO DESIGNATE HEALTH CARE AGENTS; TO IMPROVE AND SIMPLIFY THE MEANS OF MAKING THESE DIRECTIVES AND DESIGNATIONS; AND TO STUDY ISSUES RELATED TO THE ABILITY OF A PERSON TO DIRECT THAT MEDICAL CARE TO PROLONG LIFE SHALL BE CONTINUED, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the Calendar for Thursday, May 10.

CALENDAR *(continued)*

S.B. 1178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF MASTER METERS FOR ELECTRIC AND NATURAL GAS SERVICE IN HOTELS OR MOTELS THAT HAVE BEEN CONVERTED INTO CONDOMINIUMS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 226, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 21.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

Upon motion of Senator Basnight, seconded by Senator Apodaca, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Wednesday, May 9, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

May 8, 2007

H.B. 748 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO COVER EXTRA PRESCRIPTIONS DURING A STATE OF EMERGENCY OR DISASTER.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 784, A BILL TO BE ENTITLED AN ACT TO AMEND THE FIRST DEGREE MURDER STATUTE TO CONFORM WITH THE UNITED STATES SUPREME COURT RULING IN ROPER V. SIMMONS THAT THE EXECUTION OF A DEFENDANT WHO WAS UNDER EIGHTEEN YEARS OF AGE AT THE TIME OF THE MURDER IS UNCONSTITUTIONAL AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT.

Referred to the **Judiciary I Committee**.

H.B. 847, A BILL TO BE ENTITLED AN ACT CLARIFYING THAT EMPLOYEES OF THE NORTH CAROLINA COOPERATIVE EXTENSION SERVICE ARE EXEMPT FROM THE STATE PERSONNEL ACT.

Referred to the **Education/Higher Education Committee**.

H.B. 1369, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE PRESERVATION OF PRESCRIPTION DRUG ORDERS BY PHARMACIES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1440 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO CONDUCT A COMPREHENSIVE STUDY OF THE IMPACT OF HIGH SCHOOL BLOCK SCHEDULES ON STUDENTS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1457, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF STUDENT MOBILITY ON ACADEMIC PERFORMANCE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1487 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW INACTIVE LAWYERS TO PROVIDE PRO BONO LEGAL SERVICES AND TO CLARIFY ACTIVE MEMBERSHIP.

Referred to the **Judiciary II Committee**.

H.B. 1549, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ENCUMBERED PROPERTY IS SUBJECT TO EXECUTION UNDER ARTICLE 28 OF CHAPTER 1 OF THE GENERAL STATUTES.

Referred to the **Judiciary II Committee**.

May 8, 2007

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:05 P.M.

SIXTY-FIRST DAY

Senate Chamber
Wednesday, May 9, 2007

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, they say you never really know someone until you inadvertently sit in their pew at church. I thought about the truth of such a statement when reading early press releases about the House budget proposal. So far in this session, the aisles to the senators' seats have afforded spacious walking room but, no doubt, they will narrow some as the session moves forward. You don't care where we sit, but you do care how we act and where we stand. I hope we remember that, O God, in the days ahead. Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, May 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Roberta Shelley from Wilmington, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 954 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 14.

May 9, 2007

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee**:

S.B. 171, A BILL TO BE ENTITLED AN ACT TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE, with a favorable report.

Upon motion of Senator Swindell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1353, A BILL TO BE ENTITLED AN ACT PROVIDING FOR A REVIEW OF THE APPLICATION OF THE STATE PERSONNEL ACT TO EMPLOYEES OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report.

S.B. 1030, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A FRAMEWORK FOR A REACHING ONES POTENTIAL FOR EXCELLENCE (ROPE) SCHOLARS PROGRAM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55458, which changes the title to read **S.B. 1030** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A FRAMEWORK FOR A REACHING ONE'S POTENTIAL FOR EXCELLENCE (ROPE) SCHOLARS PROGRAM, is adopted and engrossed.

By Senator Shaw for the **Transportation Committee**:

S.B. 60, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMMEDIATELY DESIGNATE A TEMPORARY LOCATION FOR REGISTRATION DOCUMENT AND PLATE ACQUISITION WHEN CLOSING THE ONLY CONTRACT LICENSE PLATE AGENCY IN A COUNTY, with a favorable report.

Upon motion of Senator Shaw, the bill is placed on the Calendar for Wednesday, May 16.

S.B. 976, A BILL TO BE ENTITLED AN ACT TO ALLOW TRANSPORTER PLATES TO BE ISSUED TO MEMBERS OF THE FILMMAKING INDUSTRY TO TRANSPORT VEHICLES TO AND FROM FILMING LOCATIONS, with a favorable report.

S.B. 1453, A BILL TO BE ENTITLED AN ACT TO PREVENT THE USE OF OYSTER SHELLS IN HIGHWAY BEAUTIFICATION PROJECTS BY THE DEPARTMENT OF TRANSPORTATION OR ANY OTHER GOVERNMENTAL UNIT, with a favorable report.

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S.B. 375, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE DURATION OF A MOTORCYCLE LEARNER'S PERMIT AND TO SET THE FEE FOR THE PERMIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55459, which changes the title to read **S.B. 375** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SHORTEN THE DURATION AND AMEND THE REQUIREMENTS FOR A MOTORCYCLE LEARNER'S PERMIT, AND CLARIFY THE REQUIREMENTS FOR OBTAINING A MOTORCYCLE ENDORSEMENT, is adopted and engrossed.

By Senator Graham for the **State & Local Government Committee**:

S.B. 488, A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO CHARTER TO ALLOW THE TOWN TO REQUIRE CANDIDATES FOR ELECTIVE TOWN OFFICE TO DISCLOSE THE NAMES OF CAMPAIGN CONTRIBUTORS AND TO LIMIT BY ORDINANCE THE AMOUNT THAT PERSONS MAY CONTRIBUTE TO A CANDIDATE OR THEIR POLITICAL COMMITTEE, with a favorable report.

H.B. 1145, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO LOITER IN THE TOWN OF COLUMBIA FOR THE PURPOSE OF VIOLATING THE CONTROLLED SUBSTANCE LAWS, with a favorable report.

S.B. 403, A BILL TO BE ENTITLED AN ACT REPEALING THE SECTION OF THE CHARTER OF THE CITY OF CHARLOTTE THAT RELATES TO SLUDGE MANAGEMENT FACILITIES AND AUTHORIZING THE CITY TO USE THE DESIGN-BUILD AND DESIGN-BUILD-OPERATE METHODS OF CONSTRUCTION TO BUILD WATER AND SEWER 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 55453, which changes the title to read **S.B. 403** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, is adopted and engrossed.

S.B. 1271, A BILL TO BE ENTITLED AN ACT TO PROVIDE PAYROLL DEDUCTIONS FOR CERTAIN EMERGENCY MEDICAL PERSONNEL, 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 65245, which changes the title to read **S.B. 1271** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PAYROLL DEDUCTIONS FOR CERTAIN EMPLOYEE ASSOCIATIONS, is adopted and engrossed.

H.B. 443 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CHEROKEE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JUSTICE CENTER, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80413, is adopted and engrossed.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee:**

S.B. 376, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO ACQUIRE PROPERTY, CONDUCT ADMINISTRATIVE HEARINGS, SERVE SUBPOENAS ISSUED BY THE BOARD, AND ESTABLISH STANDARDS FOR APPLICANT REQUIREMENTS FOR MEDICATION AIDE TRAINING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55455, which changes the title to read **S.B. 376** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO ACQUIRE PROPERTY, CONDUCT EVIDENCE HEARINGS BY PANELS, SERVE SUBPOENAS ISSUED BY THE BOARD, AND ESTABLISH STANDARDS FOR APPLICANT REQUIREMENTS FOR MEDICATION AIDE TRAINING, is adopted and engrossed.

S.B. 680, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN TELECOMMUNICATIONS STATUTES TO REFLECT THE CHANGING COMPETITIVE MARKETPLACE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85310, which changes the title to read **S.B. 680** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE REGULATION OF TELECOMMUNICATIONS PROMOTIONS, is adopted and engrossed.

S.B. 744, 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 AND AMENDING THE LAWS PERTAINING TO CONTESTED CASE HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT TO ALLOW OCCUPATIONAL LICENSING BOARDS TO SERVE NOTICE OF HEARING BY FIRST-

CLASS MAIL ON APPLICANTS REQUESTING HEARINGS REGARDING THE APPLICANTS' CHARACTER OR FITNESS FOR LICENSURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55456, which changes the title to read **S.B. 744** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE TEN PERCENT CEILING ON THE EXPENSE RESERVE FUND OF THE NORTH CAROLINA REAL ESTATE COMMISSION UNDER THE REAL ESTATE LICENSING LAWS AND TO AMEND THE LAWS PERTAINING TO CONTESTED CASE HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT TO ALLOW OCCUPATIONAL LICENSING BOARDS TO SERVE NOTICE OF HEARING BY FIRST-CLASS MAIL ON APPLICANTS REQUESTING HEARINGS REGARDING THE APPLICANTS' CHARACTER OR FITNESS FOR LICENSURE, is adopted and engrossed.

S.B. 1118, A BILL TO BE ENTITLED AN ACT TO MODERNIZE RENTAL CAR FEE CHARGING METHODS AND TO ENSURE COMPLETE DISCLOSURE OF RENTAL CAR FEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65244, which changes the title to read **S.B. 1118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE UNBUNDLING OF VEHICLE LICENSE AND REGISTRATION FEES FROM RENTAL CAR RATES, is adopted and engrossed.

S.B. 1456, A BILL TO BE ENTITLED AN ACT TO ALLOW TANDEM VEHICLE COMBINATIONS TO OPERATE ON ALL HIGHWAYS WITHIN THE STATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85309, which changes the title to read **S.B. 1456** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN TANDEM VEHICLE COMBINATIONS TO OPERATE ON HIGHWAYS WITHIN THE STATE, is adopted and engrossed.

S.B. 1457, A BILL TO BE ENTITLED AN ACT TO REQUIRE BONDS FOR CONTRACTS ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMISSION CONTRACTORS WHO OPERATE LICENSE PLATE AGENCIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55450, is adopted and engrossed.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

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S.B. 361, AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO TEMPORARILY WAIVE THE ENFORCEMENT OF NO-WAKE ZONES UNDER SPECIAL CIRCUMSTANCES.

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. 149, AN ACT REPEALING THE EXPIRATION OF AN ACT AUTHORIZING THE TOWN OF APEX TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE NORTH CAROLINA GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, AND ALLOWING USE FOR ELECTRIC FACILITIES. (Became law upon ratification, May 8, 2007 - S.L. 2007-37.)

CALENDAR *(continued)*

H.B. 407, A BILL TO BE ENTITLED AN ACT EXTENDING THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF MAGNOLIA, 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, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill remains on the Calendar for Thursday, May 10, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 544, A BILL TO BE ENTITLED AN ACT TO RESTATE THE CHARTER OF CABARRUS MEMORIAL HOSPITAL, with a favorable report.

S.B. 545, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CABARRUS COUNTY AND MUNICIPALITIES IN CABARRUS COUNTY TO USE QUICK TAKE IN CERTAIN CONDEMNATION PROCEEDINGS, with a favorable report.

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S.B. 546, A BILL TO BE ENTITLED AN ACT TO REPEAL A LEGISLATIVE ANNEXATION TO THE TOWN OF MOUNT PLEASANT, with a favorable report.

S.B. 284 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF SANFORD TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE CITY'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE CITY'S SATELLITE CORPORATE LIMITS, AND PROHIBITING THE CITY FROM ANNEXING AREAS WITHIN CHATHAM COUNTY, with a favorable report as to concurrence.

S.B. 604, A BILL TO BE ENTITLED AN ACT TO CAP THE AD VALOREM TAX RATE OF THE TOWN OF WENTWORTH, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75406, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO MAKE LOANS TO CITIES UNDER CERTAIN CONDITIONS FOR THE PURPOSE OF REPAYING A DEBT OWED TO THE FEDERAL GOVERNMENT, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Thursday, May 10, upon third reading.

S.B. 30 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LAWS TO PROVIDE GREATER PROTECTION FOR DOMESTIC VIOLENCE VICTIMS AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE OWNERS OF SOME DANGEROUS DOGS TO PROVIDE PROOF OF FINANCIAL RESPONSIBILITY.

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The Committee Substitute bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable James E. Holshouser, former Governor of North Carolina.

The President extends privileges of the floor to Melissa Bybee-Fields, Supervisor of the Enrolling and Engrossing office with the Kentucky Legislature.

CALENDAR *(continued)*

S.B. 556, A BILL TO BE ENTITLED AN ACT AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING OR STRUCTURE CODE.

Senator Dorsett offers Amendment No. 1 which is adopted (49-1).

The bill passes its second reading (49-0).

Senator Kerr objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, May 10, upon third reading.

S.B. 738 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FOR-HIRE VEHICLES USED FOR CERTAIN AGRICULTURAL PURPOSES FROM THE VEHICLE REGISTRATION REQUIREMENTS, TO INCREASE THE ALLOWED LENGTH OF TRUCKS THAT TRANSPORT COTTON, AND TO CLARIFY THAT FARM EQUIPMENT INCLUDES TRUCKS THAT TRANSPORT COTTON.

Without objection, Senator Jenkins requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second reading (49-0).

Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, May 10, upon third reading.

S.B. 758 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE.

The Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 819, A BILL TO BE ENTITLED AN ACT CLARIFYING THE LAW REGARDING THE GIFT OR SALE OF CRAFT ITEMS MADE WITH DONATED SUPPLIES AND EQUIPMENT BY VOLUNTEERS WHO ARE INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION.

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The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 881 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE THE RESIDENCY REQUIREMENTS FOR LICENSURE UNDER THE LAWS PERTAINING TO BAIL BONDSMEN AND RUNNERS AND TO MAKE OTHER STYLISTIC CHANGES.

Without objection, Senator Apodaca requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1218 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CANDIDATES TO DISCLOSE FELONY CONVICTIONS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1263 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ELECTION LAWS; TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 10.

S.B. 1468, A BILL TO BE ENTITLED AN ACT TO PROMOTE INNOVATIVE STORMWATER MANAGEMENT AND WATER QUALITY PROTECTION EFFORTS.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1065, A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO IMPLEMENT A TUITION SURCHARGE AND TO USE ENDOWED SCHOLARSHIP FUNDS TO OFFSET THE COST OF A TUITION SURCHARGE.

The bill passes its third reading (50-0) and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 516, A BILL TO BE ENTITLED AN ACT PROVIDING FOR HOW THE STATE TREASURER SHALL ADDRESS CERTAIN STATE INVESTMENTS RELATING TO SUDAN, referred to the **Commerce, Small Business and Entrepreneurship Committee** on March 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce, Small Business and Entrepreneurship Committee** and re-referred to the **Finance Committee**, which motion prevails

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with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce, Small Business and Entrepreneurship Committee** and re-refers the measure to the **Finance Committee**.

ADDITIONAL SPONSOR

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 60, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMMEDIATELY DESIGNATE A TEMPORARY LOCATION FOR REGISTRATION DOCUMENT AND PLATE ACQUISITION WHEN CLOSING THE ONLY CONTRACT LICENSE PLATE AGENCY IN A COUNTY.

S.B. 376, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO ACQUIRE PROPERTY, CONDUCT ADMINISTRATIVE HEARINGS, SERVE SUBPOENAS ISSUED BY THE BOARD, AND ESTABLISH STANDARDS FOR APPLICANT REQUIREMENTS FOR MEDICATION AIDE TRAINING.

S.B. 556, A BILL TO BE ENTITLED AN ACT AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING OR STRUCTURE CODE.

S.B. 1075, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DEFENDANT CONVICTED OF FIRST DEGREE MURDER WHO HAD A SEVERE MENTAL DISABILITY AT THE TIME OF THE COMMISSION OF THE CAPITAL CRIME SHALL NOT BE SENTENCED TO DEATH.

S.B. 1132, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN STATE GOVERNMENT BY ESTABLISHING A PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY.

S.B. 1145, A BILL TO BE ENTITLED AN ACT TO CREATE AN INCOME TAX CREDIT FOR HIRING CERTAIN DISADVANTAGED WORKERS.

S.B. 1185, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF CREDIT SCORING AS THE SOLE OR PARTIAL BASIS OF TERMINATING CERTAIN INSURANCE POLICIES OR SUBJECTING CERTAIN POLICIES TO CONSENT TO RATE.

S.B. 1290, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF ALCOHOL MONITORING SYSTEMS TO BE USED TO MONITOR

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INDIVIDUALS WHO HAVE BEEN SENTENCED FOR DWI CONVICTIONS OR AS NECESSARY BY THE COURTS TO ENSURE COMPLIANCE WITH CONDITIONS OF RELEASE, PROBATION, OR PAROLE.

Upon motion of Senator Basnight, seconded by Senator Snow, the Senate adjourns subject to reading of messages from the House of Representatives and a message from the Governor, to meet Thursday, May 10, at 12:00 Noon.

MESSAGE FROM THE GOVERNOR

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER · RALEIGH, NC 27699-0301**

MICHAEL F. EASLEY
GOVERNOR

May 7, 2007

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to North Carolina General Statute § 115C-10, I hereby appoint Kevin D. Howell and Eulada P. Watt to the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly. Their terms shall begin immediately upon confirmation and will expire March 31, 2015.

Mr. Howell will serve as the 3rd Education District representative. Ms. Watt will serve as the 6th Education District representative.

Enclosed is biographical information on these appointees. Please feel free to call on them or members of my staff if you need additional information.

With kindest regards, I remain

Very truly yours,
S/Michael F. Easley

MFE: as

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cc: The Honorable Marc Basnight
The Honorable Joe Hackney
The Honorable Beverly Perdue
Ms. Denise Weeks

Referred to the **Education/Public Instruction Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 22 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REGULAR MUNICIPAL ELECTIONS IN THE CITY OF ARCHDALE TO BE CONDUCTED IN EVEN-NUMBERED YEARS, TO EXTEND THE TERMS OF CURRENT OFFICERS TO THE NEW ELECTION SCHEDULE, AND TO PROVIDE THAT ONE COUNCIL MEMBER SHALL BE ELECTED FROM EACH OF FOUR WARDS AND TWO AT LARGE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, May 10, for concurrence.

H.B. 361, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED THROUGH A SPECIAL ELECTION PROCESS IN SOME CIRCUMSTANCES.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

H.B. 454 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING THE TAKING OF A PHOTOGRAPH OF A PERSON OPERATING A MOTOR VEHICLE WHO DOES NOT PRODUCE A VALID DRIVERS LICENSE UPON THE REQUEST OF A LAW ENFORCEMENT OFFICER WHERE THE LAW ENFORCEMENT OFFICER HAS A REASONABLE SUSPICION REGARDING THE TRUE IDENTITY OF THE PERSON.

Referred to the **Judiciary I Committee**.

H.B. 563 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN MOTOR VEHICLE LAW REGARDING THE WEARING OF A SAFETY HELMET BY USE OF A RETENTION STRAP, WHAT "PUBLIC SERVICE VEHICLE" MEANS, CHANGING THE WORD STOPLIGHT TO TRAFFIC SIGNAL, AND CHANGING THE TIME ALLOWED FOR REMOVAL OF A VEHICLE FROM A PUBLIC HIGHWAY OR REST AREA.

Referred to the **Judiciary II Committee**.

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H.B. 565 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT PROPERTY OWNERS, PROPERTY LESSEES, AND MEMBERS OF THE PROPERTY OWNER'S AND PROPERTY LESSEE'S FAMILY AND PERMISSIVE GUESTS OF THE OWNER OR LESSEE WHO ARE SIXTEEN YEARS OF AGE OR OLDER FROM THE REQUIREMENT OF WEARING A SAFETY HELMET AND EYE PROTECTION WHILE OPERATING AN ALL-TERRAIN VEHICLE ON PROPERTY OWNED OR LEASED BY THE RIDER.

Referred to the **Health Care Committee**.

H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR NURSING TO THE DEPARTMENT OF ADMINISTRATION AND TO AMEND THE APPOINTMENT PROCEDURE FOR ONE OF THE BOARD MEMBERS.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 638 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF KING AND THE TOWN OF MAIDEN TO ALLOW LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND TO USE GOLF CARTS ON PUBLIC STREETS AND HIGHWAYS, OR ANY PROPERTY OWNED OR LEASED BY THE CITY OR TOWN.

Referred to the **State & Local Government Committee**.

H.B. 751, A BILL TO BE ENTITLED AN ACT TO ACKNOWLEDGE AS RECOMMENDED BY THE 1898 WILMINGTON RACE RIOT COMMISSION THAT THE VIOLENCE OF THE 1898 WILMINGTON RACE RIOT WAS A CONSPIRACY THAT USED INTIMIDATION AND FORCE TO REPLACE A DULY ELECTED LOCAL GOVERNMENT.

Referred to the **Judiciary I Committee**.

H.B. 786, A BILL TO BE ENTITLED AN ACT TO ENSURE DISTRICT ATTORNEYS RECEIVE ALL NECESSARY INFORMATION FROM LAW ENFORCEMENT AGENCIES AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT.

Referred to the **Judiciary I Committee**.

H.B. 889, A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSIONER OF MOTOR VEHICLES TO CONDUCT A CONTEST FOR THE DESIGN OF A NEW STANDARD MOTOR VEHICLE REGISTRATION PLATE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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H.B. 1148, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO RELEASE THE IDENTIFICATION OF JUVENILES WHO ESCAPE THE CUSTODY OF THE DEPARTMENT.

Referred to the **Judiciary I Committee**.

H.B. 1152 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BOILING SPRING LAKES TO PARTICIPATE IN AND FUND A HABITAT CONSERVATION PLAN FOR THE RED-COCKADED WOODPECKER AND OTHER ENDANGERED SPECIES AS A PUBLIC ENTERPRISE.

Referred to the **State & Local Government Committee**.

H.B. 1197 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF STATESVILLE TO MODIFY THE POWERS AND DUTIES OF THE CIVIL SERVICE BOARD.

Referred to the **State & Local Government Committee**.

H.B. 1227 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT EXEMPTING NEW HANOVER REGIONAL MEDICAL CENTER, A NEW HANOVER COUNTY HOSPITAL, FROM STATUTORY REQUIREMENTS GOVERNING PUBLIC CONTRACTS.

Referred to the **Judiciary I Committee**.

H.B. 1330 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN EXEMPTION FROM THE REQUIREMENT THAT A BACKSEAT PASSENGER WEAR A SEAT BELT WHILE BEING TRANSPORTED BY A LAW ENFORCEMENT OFFICER.

Referred to the **Transportation Committee**.

H.B. 1340, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE THE VALUE OF AMATEUR RADIO COMMUNICATIONS BY REQUIRING CITY AND COUNTY ORDINANCES REGULATING ANTENNAS TO REASONABLY ACCOMMODATE AMATEUR RADIO COMMUNICATIONS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1347 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO MAKE A FALSE REPORT CONCERNING A THREAT OF MASS VIOLENCE ON EDUCATIONAL PROPERTY.

Referred to the **Judiciary II Committee**.

H.B. 1354 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A MOTOR VEHICLE CHOP SHOP LAW REGARDING THE

RECEIVING, POSSESSION, AND DISTRIBUTION OF STOLEN OR ALTERED MOTOR VEHICLES AND MOTOR VEHICLE PARTS.

Referred to the **Judiciary I Committee**.

H.B. 1596 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS IN THE LOCAL DEVELOPMENT ACT.

Referred to the **State & Local Government Committee**.

H.B. 1617, A BILL TO BE ENTITLED AN ACT TO REQUIRE INVESTIGATIONS OF THE USE OF DEADLY FORCE BY LAW ENFORCEMENT OFFICERS UNDER CERTAIN CIRCUMSTANCES.

Referred to the **Judiciary II Committee**.

H.B. 1640, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON THE USE OF MULTICOLOR PROCESS FOR PUBLICATIONS PUBLISHED AT STATE EXPENSE.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 1650, A BILL TO BE ENTITLED AN ACT TO INCREASE MEMBERSHIP ON THE ACUPUNCTURE LICENSING BOARD FROM SIX TO NINE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1708 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE "SUBJECT TO" REAL ESTATE TRANSACTIONS.

Referred to the **Judiciary II Committee**.

H.B. 1751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD EMPLOYEE OR AGENT TO THE INDIVIDUALS WHO ARE PROHIBITED FROM ALLOWING POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES NOT AUTHORIZED BY PERMITS ISSUED FOR THE PREMISES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:05 P.M.

May 9, 2007

SIXTY-SECOND DAY

Senate Chamber
Thursday, May 10, 2007

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:

"Dear God, you know each person in this room. You know how hard each person works and how much each person cares about our great State. Bless the efforts of these Senators and all those who work for our common good with wisdom, compassion and foresight. God, we also pray today for our friend Mike Morris. You know how much the people in this room care for him and you know what he is going through right now with the passing of his father. Bless him and his family with comfort, endurance and strength. Amen."

The Chair grants a leave of absence for today to Senator Blake.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, 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 privileges of the floor to Dr. Charles Mann from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Jenell Holland from Raeford, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 509, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION OF A MOTOR VEHICLE AFTER A FAILURE TO MEET LAWFUL STANDARDS IN AN INITIAL MOTOR VEHICLE INSPECTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75405, which changes the title to read **S.B. 509** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE

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INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE SERVING ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO CHANGE THE PENALTY FOR CLEAN SCANNING AND OTHER TYPE I EMISSIONS VIOLATIONS, is adopted and engrossed.

S.B. 580, A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE TREASURER TO INVEST, ON BEHALF OF LOCAL GOVERNMENTS, IN EQUITIES FUNDS SET ASIDE FOR OTHER POST-EMPLOYMENT BENEFITS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55460, which changes the title to read **S.B. 580** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCAL GOVERNMENT POST-EMPLOYMENT BENEFITS FUND UNDER THE MANAGEMENT OF THE STATE TREASURER, TO AUTHORIZE THE TREASURER TO MAKE EQUITY INVESTMENTS FROM THE FUND TO THE SAME EXTENT ALLOWED FOR CERTAIN INVESTMENTS FROM THE STATE RETIREMENT SYSTEM, AND TO ALLOW LOCAL ENTITIES TO ESTABLISH OTHER IRREVOCABLE TRUSTS TO FUND POST-EMPLOYMENT BENEFITS, is adopted and engrossed.

S.B. 667, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN WHOLESALE DEALERS TO REQUEST RELIEF FROM PAYMENT OF EXCISE TAXES ON OTHER TOBACCO PRODUCTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55461, which changes the title to read **S.B. 667** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT CERTAIN AFFILIATES OF A MANUFACTURER OF OTHER TOBACCO PRODUCTS AS IF THEY WERE THE MANUFACTURER FOR PURPOSES OF ADMINISTRATION OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, is adopted and engrossed.

S.B. 966, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR SALVAGE CENTERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55462, which changes the title to read **S.B. 966** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CAPITAL FACILITIES FINANCE AGENCY TO ISSUE BONDS FOR SALVAGE CENTERS AND CERTAIN RESEARCH FACILITIES, is adopted and engrossed.

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By Senator Graham for the **State & Local Government Committee**:

S.B. 426, A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWN OF AYDEN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55452, which changes the title to read **S.B. 426** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF AYDEN, CORNELIUS, DAVIDSON, HUNTERSVILLE, AND SPRING LAKE AND THE CITIES OF EDEN, GREENSBORO, HIGH POINT, AND REIDSVILLE, is adopted and engrossed.

S.B. 427, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF AYDEN TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85311, which changes the title to read **S.B. 427** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF AYDEN AND BURGAW TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS, is adopted and engrossed.

S.B. 444, A BILL TO BE ENTITLED AN ACT TO CODIFY THE PRACTICE OF ALTERNATING BETWEEN THE HOUSES EACH BIENNIUM ORIGINATION OF THE CURRENT OPERATIONS APPROPRIATIONS 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 15083, which changes the title to read **S.B. 444** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE PRACTICE OF ALTERNATING BETWEEN THE HOUSES EACH BIENNIUM ORIGINATION OF THE CURRENT OPERATIONS APPROPRIATIONS ACT, is adopted and engrossed.

S.B. 530, A BILL TO BE ENTITLED AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF ENERGY SAVING TECHNOLOGIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55454, which changes the title to read **S.B. 530** (Committee Substitute), A BILL TO BE

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ENTITLED AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT EMITTING DIODE TECHNOLOGIES, is adopted and engrossed.

S.B. 1383, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD BE DETRIMENTAL TO THE CYCLIST, OTHER INDIVIDUALS, OR THE ENVIRONMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55457, which changes the title to read **S.B. 1383** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED OR LEASES OR MANAGES LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD BE DETRIMENTAL TO THE CYCLIST, OTHER INDIVIDUALS, OR THE ENVIRONMENT, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 407, A BILL TO BE ENTITLED AN ACT EXTENDING THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF MAGNOLIA, 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 Rockingham, Bingham, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The bill is ordered enrolled.

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S.B. 546, A BILL TO BE ENTITLED AN ACT TO REPEAL A LEGISLATIVE ANNEXATION TO THE TOWN OF MOUNT PLEASANT, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Rockingham, Bingham, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 14, upon third reading.

S.B. 604 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CAP THE AD VALOREM TAX RATE OF THE TOWN OF WENTWORTH, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Rockingham, Bingham, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: Senators Cowell, Hagan and Purcell---3.

The Committee Substitute bill remains on the Calendar for Monday, May 14, upon third reading.

S.B. 403 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 544, A BILL TO BE ENTITLED AN ACT TO RESTATE THE CHARTER OF CABARRUS MEMORIAL HOSPITAL.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 545, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CABARRUS COUNTY AND MUNICIPALITIES IN CABARRUS COUNTY TO USE QUICK TAKE IN CERTAIN CONDEMNATION PROCEEDINGS.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

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H.B. 443 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CHEROKEE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JUSTICE CENTER.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 1145, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO LOITER IN THE TOWN OF COLUMBIA AND IN THE CITY OF BREVARD FOR THE PURPOSE OF VIOLATING THE CONTROLLED SUBSTANCE LAWS.

The bill passes its second (48-0) and third readings and is ordered enrolled.

S.B. 488, A BILL TO BE ENTITLED AN ACT TO AMEND THE CARRBORO CHARTER TO ALLOW THE TOWN TO REQUIRE CANDIDATES FOR ELECTIVE TOWN OFFICE TO DISCLOSE THE NAMES OF CAMPAIGN CONTRIBUTORS AND TO LIMIT BY ORDINANCE THE AMOUNT THAT PERSONS MAY CONTRIBUTE TO A CANDIDATE OR THEIR POLITICAL COMMITTEE.

Senator Kinnaird offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second (45-4) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 284 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF SANFORD TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE CITY'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE CITY'S SATELLITE CORPORATE LIMITS, AND PROHIBITING THE CITY FROM ANNEXING AREAS WITHIN CHATHAM COUNTY, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Atwater, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 22 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REGULAR MUNICIPAL ELECTIONS IN THE CITY OF ARCHDALE TO BE CONDUCTED IN EVEN-NUMBERED

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YEARS, TO EXTEND THE TERMS OF CURRENT OFFICERS TO THE NEW ELECTION SCHEDULE, AND TO PROVIDE THAT ONE COUNCIL MEMBER SHALL BE ELECTED FROM EACH OF FOUR WARDS AND TWO AT LARGE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Tillman, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled.

S.B. 620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO MAKE LOANS TO CITIES UNDER CERTAIN CONDITIONS FOR THE PURPOSE OF REPAYING A DEBT OWED TO THE FEDERAL GOVERNMENT, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 375 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SHORTEN THE DURATION AND AMEND THE REQUIREMENTS FOR A MOTORCYCLE LEARNER'S PERMIT, AND CLARIFY THE REQUIREMENTS FOR OBTAINING A MOTORCYCLE ENDORSEMENT.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 376 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO ACQUIRE PROPERTY, CONDUCT EVIDENCE HEARINGS BY PANELS, SERVE SUBPOENAS ISSUED BY THE BOARD, AND ESTABLISH STANDARDS FOR APPLICANT REQUIREMENTS FOR MEDICATION AIDE TRAINING.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 680 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE REGULATION OF TELECOMMUNICATIONS PROMOTIONS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 744 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE TEN PERCENT CEILING ON THE EXPENSE RESERVE FUND OF THE NORTH CAROLINA REAL ESTATE COMMISSION UNDER THE REAL ESTATE LICENSING LAWS AND TO AMEND THE LAWS PERTAINING TO CONTESTED CASE HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT TO ALLOW OCCUPATIONAL LICENSING BOARDS TO SERVE NOTICE OF HEARING BY FIRST-CLASS MAIL ON APPLICANTS REQUESTING HEARINGS REGARDING THE APPLICANTS' CHARACTER OR FITNESS FOR LICENSURE.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 16.

S.B. 976, A BILL TO BE ENTITLED AN ACT TO ALLOW TRANSPORTER PLATES TO BE ISSUED TO MEMBERS OF THE FILMMAKING INDUSTRY TO TRANSPORT VEHICLES TO AND FROM FILMING LOCATIONS.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A FRAMEWORK FOR A REACHING ONE'S POTENTIAL FOR EXCELLENCE (ROPE) SCHOLARS PROGRAM.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1046 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO MAKE ADVANCE DIRECTIVES AND TO DESIGNATE HEALTH CARE AGENTS; TO IMPROVE AND SIMPLIFY THE MEANS OF MAKING THESE DIRECTIVES AND DESIGNATIONS; AND TO STUDY ISSUES RELATED TO THE ABILITY OF A PERSON TO DIRECT THAT MEDICAL CARE TO PROLONG LIFE SHALL BE CONTINUED.

Senator Hartsell offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (47-1).

Senator Berger of Rockingham objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, May 14, upon third reading.

S.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE UNBUNDLING OF VEHICLE LICENSE AND REGISTRATION FEES FROM RENTAL CAR RATES.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 1263 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ELECTION LAWS; TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT.

Senator Clodfelter offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PAYROLL DEDUCTIONS FOR CERTAIN EMPLOYEE ASSOCIATIONS.

Senator Stevens offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (40-8) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1353, A BILL TO BE ENTITLED AN ACT PROVIDING FOR A REVIEW OF THE APPLICATION OF THE STATE PERSONNEL ACT TO EMPLOYEES OF THE UNIVERSITY OF NORTH CAROLINA.

The bill passes its second (43-5) and third readings and is ordered sent to the House of Representatives.

S.B. 1453, A BILL TO BE ENTITLED AN ACT TO PREVENT THE USE OF OYSTER SHELLS IN HIGHWAY BEAUTIFICATION PROJECTS BY THE DEPARTMENT OF TRANSPORTATION OR ANY OTHER GOVERNMENTAL UNIT.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1456 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN TANDEM VEHICLE COMBINATIONS TO OPERATE ON HIGHWAYS WITHIN THE STATE.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1457 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BONDS FOR CONTRACTS ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMISSION CONTRACTORS WHO OPERATE LICENSE PLATE AGENCIES.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

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WITHDRAWAL FROM CALENDAR

S.B. 744 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE TEN PERCENT CEILING ON THE EXPENSE RESERVE FUND OF THE NORTH CAROLINA REAL ESTATE COMMISSION UNDER THE REAL ESTATE LICENSING LAWS AND TO AMEND THE LAWS PERTAINING TO CONTESTED CASE HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT TO ALLOW OCCUPATIONAL LICENSING BOARDS TO SERVE NOTICE OF HEARING BY FIRST-CLASS MAIL ON APPLICANTS REQUESTING HEARINGS REGARDING THE APPLICANTS' CHARACTER OR FITNESS FOR LICENSURE, placed on the Calendar for Wednesday, May 16.

Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Wednesday, May 16, and placed before the Senate for immediate consideration.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for Wednesday, May 16, and places it before the Senate for immediate consideration.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

CALENDAR (*continued*)

S.B. 556, A BILL TO BE ENTITLED AN ACT AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING OR STRUCTURE CODE.

Upon motion of Senator Kerr, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 15, upon third reading.

S.B. 738 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FOR-HIRE VEHICLES USED FOR CERTAIN AGRICULTURAL PURPOSES FROM THE VEHICLE REGISTRATION REQUIREMENTS, TO INCREASE THE ALLOWED LENGTH OF TRUCKS THAT TRANSPORT COTTON, AND TO CLARIFY THAT FARM EQUIPMENT INCLUDES TRUCKS THAT TRANSPORT COTTON.

The Committee Substitute bill passes its third reading (47-0) and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

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S.B. 834, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING COMMUNICATION SERVICES PROGRAM IN ORDER TO BRING THE PROGRAM INTO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, with a favorable report.

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 743, A BILL TO BE ENTITLED AN ACT TO REMOVE THE TEN-YEAR TIME PERIOD ALLOWED TO LOOK BACK INTO A DRIVER'S HISTORY TO DETERMINE IF THE DEFENDANT IS A HABITUAL IMPAIRED DRIVING OFFENDER, with a favorable report.

S.B. 1006, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAW PERTAINING TO CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION, with a favorable report.

S.B. 1546, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS, with a favorable report.

CROSSOVER DEADLINE EXTENDED

Senator Rand offers a motion that the rules be suspended and that the Crossover Deadline be extended from May 17 to May 24. The motion prevails without objection.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 842, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE LAW THAT SETS THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS AND REQUIRES THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 845, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN NATURAL RESOURCES LAWS TO CLARIFY THAT DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE

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ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 1339, A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF A PROPOSED RULE CONSIDERED FOR ADOPTION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCREASE CERTAIN FEES UNDER THE ECOSYSTEM ENHANCEMENT PROGRAM, with a favorable report.

S.B. 844, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL LAWS TO PROVIDE THAT AN APPLICATION FOR A CONSTRUCTION PERMIT FOR A PRIVATE DRINKING WATER WELL THAT IS TO BE LOCATED ON A SITE ON WHICH A WASTEWATER SYSTEM IS LOCATED MAY BE ACCOMPANIED BY A SITE PLAN RATHER THAN A PLAT AND TO PROVIDE THAT PROOF OF COMPLETION OF ANY REQUIRED PROFESSIONAL DEVELOPMENT IS REQUIRED FOR RENEWAL OF A WELL CONTRACTOR CERTIFICATE, 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 75404, which changes the title to read **S.B. 844** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL LAWS TO PROVIDE THAT: (1) AN APPLICATION FOR A CONSTRUCTION PERMIT FOR A PRIVATE DRINKING WATER WELL THAT IS TO BE LOCATED ON A SITE ON WHICH A WASTEWATER SYSTEM IS LOCATED MAY BE ACCOMPANIED BY A SITE PLAN RATHER THAN A PLAT; (2) PROOF OF COMPLETION OF ANY REQUIRED PROFESSIONAL DEVELOPMENT IS REQUIRED FOR RENEWAL OF A WELL CONTRACTOR CERTIFICATE; AND (3) CIVIL PENALTIES COLLECTED BY THE DEPARTMENT OR OTHER STATE AGENCY UNDER ARTICLE 4 OF CHAPTER 113A OF THE GENERAL STATUTES SHALL BE USED AS PROVIDED IN SECTION 7 OF ARTICLE IX OF THE CONSTITUTION OF NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is adopted and engrossed.

S.B. 846, A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85312, is adopted and engrossed.

S.B. 847, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS

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RELATED TO THE ENVIRONMENT, 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 65246, is adopted and engrossed.

S.B. 1330, A BILL TO BE ENTITLED AN ACT TO EXTEND THE PROTECTION OF THE ANIMAL WELFARE ACT TO ANIMALS SOLD AT FLEA MARKETS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15085, which changes the title to read **S.B. 1330** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE OWNERS AND OPERATORS OF SPECIALTY MARKETS WHERE DOGS OR CATS ARE SOLD OR GIVEN AWAY TO OBTAIN A CERTIFICATE OF REGISTRATION FROM, AND PAY A REGISTRATION FEE TO, THE DEPARTMENT OF REVENUE; TO REQUIRE THE DEPARTMENT OF REVENUE TO PROVIDE NOTIFICATION OF THE REGISTRATION TO THE SHERIFF OR CHIEF OF POLICE OF THE JURISDICTION WHERE THE SPECIALTY MARKET IS LOCATED; AND TO REQUIRE THESE SPECIALTY MARKETS TO MEET THE STANDARDS APPLICABLE TO PET SHOPS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

ADDITIONAL SPONSOR

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 375, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE DURATION OF A MOTORCYCLE LEARNER'S PERMIT AND TO SET THE FEE FOR THE PERMIT.

S.B. 685, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SIGNATURE OF THE PATIENT OR THE PATIENT'S PARENT, GUARDIAN, OR REPRESENTATIVE ON "DO NOT RESUSCITATE" ORDER FORMS.

S.B. 1030, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A FRAMEWORK FOR A REACHING ONES POTENTIAL FOR EXCELLENCE (ROPE) SCHOLARS PROGRAM.

S.B. 1353, A BILL TO BE ENTITLED AN ACT PROVIDING FOR A REVIEW OF THE APPLICATION OF THE STATE PERSONNEL ACT TO EMPLOYEES OF THE UNIVERSITY OF NORTH CAROLINA.

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S.B. 1453, A BILL TO BE ENTITLED AN ACT TO PREVENT THE USE OF OYSTER SHELLS IN HIGHWAY BEAUTIFICATION PROJECTS BY THE DEPARTMENT OF TRANSPORTATION OR ANY OTHER GOVERNMENTAL UNIT.

Upon motion of Senator Dannelly, seconded by Senator Brunstetter, the Senate adjourns in memory of Wade Morris, The Reverend Mike Morris' father, at 1:42 P.M. to meet Monday, May 14, at 7:00 P.M.

SIXTY-THIRD DAY

Senate Chamber
Monday, May 14, 2007

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:

"Tonight, O God, I offer my deep appreciation to you for this Senate family, not because they are diligent and passionate caretakers through their own personal, strong beliefs, caretakers of the State of North Carolina and her people, and not because their position is one of influence and leadership. No, tonight I am grateful that out of a position of such privilege and responsibility that they also know how to offer the ministry of caregiving as they did to me and my family upon the news of my father's death. Their kind remembrances written and spoken have given us strength and encouragement. It reminds me that through all of their differentness, at the end of the day they have learned how to be priests to each other. That is a gift that exceeds their elected positions. Thank you for each one of them. Amen."

The Chair grants a leave of absence for tonight to Senator Bingham.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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 privileges of the floor to Dr. John R. Mangum from Sanford, North Carolina, who is serving the Senate as Doctor of the Day.

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ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 22, AN ACT TO PROVIDE FOR REGULAR MUNICIPAL ELECTIONS IN THE CITY OF ARCHDALE TO BE CONDUCTED IN EVEN-NUMBERED YEARS, TO EXTEND THE TERMS OF CURRENT OFFICERS TO THE NEW ELECTION SCHEDULE, AND TO PROVIDE THAT ONE COUNCIL MEMBER SHALL BE ELECTED FROM EACH OF FOUR WARDS AND TWO AT LARGE.

H.B. 407, AN ACT EXTENDING THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF MAGNOLIA.

H.B. 1145, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO LOITER IN THE TOWN OF COLUMBIA AND IN THE CITY OF BREVARD FOR THE PURPOSE OF VIOLATING THE CONTROLLED SUBSTANCE LAWS.

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. 189, AN ACT PROVIDING THAT A BOARD OF COUNTY COMMISSIONERS MAY AUTHORIZE THE GOVERNING BODY OF A CITY TO AUTHORIZE THE USE OF PYROTECHNICS WITHIN THE CORPORATE LIMITS OF THE CITY AND ISSUE PERMITS FOR THE USE OF PYROTECHNICS. (Became law upon approval of the Governor, May 11, 2007 - S.L. 2007-38.)

H.B. 424, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RESPITE CARE AND TO RECOMMEND WAYS TO IMPROVE THE CURRENT RESPITE CARE DELIVERY SYSTEM. (Became law upon approval of the Governor, May 11, 2007 - S.L. 2007-39.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 930, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GRANTING AUTHORITY TO PRIVATE CORRECTIONAL OFFICERS

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EMPLOYED PURSUANT TO A CONTRACT WITH THE FEDERAL BUREAU OF PRISONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55470, is adopted and engrossed.

S.B. 940, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE RETIREMENT SYSTEM DIVISION OF THE DEPARTMENT OF STATE TREASURER TO PROVIDE DIRECT ACCESS TO INFORMATION REQUESTED BY THE FISCAL RESEARCH DIVISION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65248, is adopted and engrossed.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 692, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOXING ADVISORY COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55466, is adopted and engrossed.

S.B. 741, A BILL TO BE ENTITLED AN ACT ELIMINATING THE WAITING PERIOD FOR UNEMPLOYMENT BENEFITS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15086, which changes the title to read **S.B. 741** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ELIMINATING THE WAITING PERIOD FOR UNEMPLOYMENT BENEFITS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND TO AMEND THE LAW GOVERNING ADVANCE PAYMENTS BY NONPROFIT ORGANIZATIONS AND INDIAN TRIBES, is adopted and engrossed.

S.B. 806, A BILL TO BE ENTITLED AN ACT TO LENGTHEN THE TIME GOODS MUST BE HELD UNDER PAWN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85313, which changes the title to read **S.B. 806** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LENGTHEN THE TIME GOODS PURCHASED BY PAWNBROKERS MUST BE HELD BEFORE RESALE, is adopted and engrossed.

S.B. 1032, A BILL TO BE ENTITLED AN ACT TO IMPOSE TIME LIMITATIONS ON OVERPAYMENT RECOVERY UNDER THE PROMPT

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CLAIM PAYMENTS STATUTE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65249, is adopted and engrossed.

S.B. 1068, A BILL TO BE ENTITLED AN ACT TO ESTABLISH 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, AND TO REPEAL THE E-NC AUTHORITY SUNSET, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15087, which changes the title to read **S.B. 1068** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE E-NC AUTHORITY, TO INCREASE THE DISTRIBUTION TO LOCAL GOVERNMENTS OF THE SALES TAX ON TELECOMMUNICATIONS AND VIDEO PROGRAMMING SERVICES AND TO EARMARK A PORTION OF THE STATE'S SHARE OF THE SALES TAX ON THESE SERVICES FOR GRANTS FOR BROADBAND CONNECTIVITY, PEG CHANNELS, AND COMMUNITY MEDIA CENTERS, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1495, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL WRECKERS, AS DEFINED IN CHAPTER 20 OF THE GENERAL STATUTES, TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES AND HAVE ASSIGNED A SPECIAL IDENTIFICATION NUMBER THAT SHALL BE DISPLAYED ON BOTH THE DRIVER AND PASSENGER DOORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55465, which changes the title to read **S.B. 1495** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A VEHICLE USED TO TOW OR TRANSPORT ANOTHER VEHICLE BE MARKED SO THAT THE OWNER MAY BE IDENTIFIED, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ARTICLE 19 OF CHAPTER 95 OF THE GENERAL STATUTES AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS, with

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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, 65250, which changes the title to read **S.B. 1466** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES RELATING TO HEALTH AND SAFETY TO THE MIGRANT HOUSING ACT OF NORTH CAROLINA AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 546, A BILL TO BE ENTITLED AN ACT TO REPEAL A LEGISLATIVE ANNEXATION TO THE TOWN OF MOUNT PLEASANT, 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, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 509 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE SERVING ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO CHANGE THE PENALTY FOR CLEAN SCANNING AND OTHER TYPE I EMISSIONS VIOLATIONS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, May 16.

S.B. 667 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT CERTAIN AFFILIATES OF A MANUFACTURER OF OTHER TOBACCO PRODUCTS AS IF THEY WERE THE MANUFACTURER FOR PURPOSES OF ADMINISTRATION OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, May 15.

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RECONSIDERATION

S.B. 1271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PAYROLL DEDUCTIONS FOR CERTAIN EMPLOYEE ASSOCIATIONS.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Committee Substitute bill for Senate Bill 1271 passed its third reading on May 10 be reconsidered, which motion prevails (46-0).

The question before the Body becomes the passage of the Committee Substitute bill 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 16.

CALENDAR *(continued)*

S.B. 604 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CAP THE AD VALOREM TAX RATE OF THE TOWN OF WENTWORTH, upon third reading.

The 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 Franklin, Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: Senator Hagan---1.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 426 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF AYDEN, CORNELIUS, DAVIDSON, HUNTERSVILLE, AND SPRING LAKE AND THE CITIES OF EDEN, GREENSBORO, HIGH POINT, AND REIDSVILLE.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF AYDEN AND BURGAW TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 530 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT EMITTING DIODE TECHNOLOGIES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 284 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE CITY OF SANFORD TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE CITY'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE CITY'S SATELLITE CORPORATE LIMITS, AND PROHIBITING THE CITY FROM ANNEXING AREAS WITHIN CHATHAM COUNTY, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Atwater, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 966 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CAPITAL FACILITIES FINANCE AGENCY TO ISSUE BONDS FOR SALVAGE CENTERS AND CERTAIN RESEARCH FACILITIES, 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 Franklin, Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Tuesday, May 15, upon third reading.

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S.B. 444 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE PRACTICE OF ALTERNATING BETWEEN THE HOUSES EACH BIENNIUM ORIGINATION OF THE CURRENT OPERATIONS APPROPRIATIONS ACT.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 580 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCAL GOVERNMENT POST-EMPLOYMENT BENEFITS FUND UNDER THE MANAGEMENT OF THE STATE TREASURER, TO AUTHORIZE THE TREASURER TO MAKE EQUITY INVESTMENTS FROM THE FUND TO THE SAME EXTENT ALLOWED FOR CERTAIN INVESTMENTS FROM THE STATE RETIREMENT SYSTEM, AND TO ALLOW LOCAL ENTITIES TO ESTABLISH OTHER IRREVOCABLE TRUSTS TO FUND POST-EMPLOYMENT BENEFITS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 743, A BILL TO BE ENTITLED AN ACT TO REMOVE THE TEN-YEAR TIME PERIOD ALLOWED TO LOOK BACK INTO A DRIVER'S HISTORY TO DETERMINE IF THE DEFENDANT IS A HABITUAL IMPAIRED DRIVING OFFENDER.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 834, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING COMMUNICATION SERVICES PROGRAM IN ORDER TO BRING THE PROGRAM INTO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 842, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE LAW THAT SETS THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS AND REQUIRES THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Without objection, Senator Smith and Senator Hunt request to be excused from voting on the bill due to a conflict of interest.

The bill passes its second (44-2) and third readings and is ordered sent to the House of Representatives.

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S.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL LAWS TO PROVIDE THAT: (1) AN APPLICATION FOR A CONSTRUCTION PERMIT FOR A PRIVATE DRINKING WATER WELL THAT IS TO BE LOCATED ON A SITE ON WHICH A WASTEWATER SYSTEM IS LOCATED MAY BE ACCOMPANIED BY A SITE PLAN RATHER THAN A PLAT; (2) PROOF OF COMPLETION OF ANY REQUIRED PROFESSIONAL DEVELOPMENT IS REQUIRED FOR RENEWAL OF A WELL CONTRACTOR CERTIFICATE; AND (3) CIVIL PENALTIES COLLECTED BY THE DEPARTMENT OR OTHER STATE AGENCY UNDER ARTICLE 4 OF CHAPTER 113A OF THE GENERAL STATUTES SHALL BE USED AS PROVIDED IN SECTION 7 OF ARTICLE IX OF THE CONSTITUTION OF NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 845, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN NATURAL RESOURCES LAWS TO CLARIFY THAT DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 846 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 954 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

Senator Clodfelter calls the previous question on the Committee Substitute bill for S.B. 954, seconded by Senator Dannelly. The call of the previous question prevails (30-18).

The Committee Substitute bill passes its second (30-18) and third readings and is ordered sent to the House of Representatives.

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WITHDRAWAL FROM COMMITTEE

S.J.R. 1168, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, referred to the **Rules and Operations of the Senate Committee** on March 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Education/Public Instruction Committee**, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Education/Public Instruction Committee**.

S.J.R. 1169, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF TWO APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, referred to the **Rules and Operations of the Senate Committee** on March 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Education/Public Instruction Committee**, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Education/Public Instruction Committee**.

S.B. 227, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 21.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

CALENDAR *(continued)*

S.B. 1006, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAW PERTAINING TO CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION.

The bill passes its second reading (38-10).

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Senator Berger of Rockingham objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, May 15, upon third reading.

S.B. 1339, A BILL TO BE ENTITLED AN ACT TO DELAY THE EFFECTIVE DATE OF A PROPOSED RULE CONSIDERED FOR ADOPTION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCREASE CERTAIN FEES UNDER THE ECOSYSTEM ENHANCEMENT PROGRAM.

Senator Jenkins offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second (47-1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1546, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS.

The bill passes its second reading (48-0).

Senator Stevens objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, May 15, upon third reading.

S.B. 1046 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO MAKE ADVANCE DIRECTIVES AND TO DESIGNATE HEALTH CARE AGENTS; TO IMPROVE AND SIMPLIFY THE MEANS OF MAKING THESE DIRECTIVES AND DESIGNATIONS; AND TO STUDY ISSUES RELATED TO THE ABILITY OF A PERSON TO DIRECT THAT MEDICAL CARE TO PROLONG LIFE SHALL BE CONTINUED, as amended on second reading on May 10.

Senator Hartsell offers Amendment No. 2 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives.

ADDITIONAL SPONSOR

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 1480, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION AND THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION TO PROVIDE FOR MEDICAL RELEASE OF NO-RISK INMATES WHO ARE EITHER PERMANENTLY AND TOTALLY DISABLED, TERMINALLY ILL, OR GERIATRIC.

Upon motion of Senator Dannelly, seconded by Senator Purcell, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet Tuesday, May 15, at 3:00 P.M.

May 14, 2007

INTRODUCTION OF BILLS AND RESOLUTIONS

Joint resolutions are filed for introduction, presented to the Senate, read the first time, and disposed of, as follows:

By Senator Soles:

S.J.R. 1561, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM DUDLEY ROBBINS, SR., FORMER LIEUTENANT COLONEL OF THE UNITED STATES ARMY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Jones:

S.J.R. 1562, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF HALIFAX ON THE OCCASION OF THE TOWN'S TWO HUNDRED FIFTIETH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 1473 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE EXPANSION AND BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES; TO EXTEND THE STATE SALES TAX RATE AT 4.25% UNTIL JULY 1, 2009; TO EXTEND THE UPPER INCOME TAX RATE AT 8% THROUGH 2009; TO UPDATE THE INTERNAL REVENUE CODE REFERENCE; TO PROVIDE INDIVIDUAL AND BUSINESS TAX RELIEF THROUGH A REFUNDABLE EARNED INCOME TAX CREDIT, A MEANS-TESTED LONG-TERM CARE INSURANCE TAX CREDIT, AN ADOPTION TAX CREDIT, A CONVERSION OF THE SALES TAX ON SOFTWARE PUBLISHERS' MACHINERY AND EQUIPMENT TO A PRIVILEGE TAX AT THE RATE OF 1% WITH AN \$80 CAP, TO RAISE THE EXEMPTION AMOUNT FOR SCHOOL INSTRUCTIONAL MATERIALS DURING THE SALES TAX HOLIDAY, AN INCREASED TAX CREDIT FOR QUALIFIED R&D EXPENSES, AN ENHANCEMENT OF THE TAX CREDIT FOR CONSTRUCTING RENEWABLE FUEL FACILITIES, AN EXPANSION OF THE SALES AND USE TAX REFUND FOR AIRCRAFT MANUFACTURING TO INCLUDE AIRCRAFT PARTS, AN ENHANCEMENT OF THE SALES TAX HOLIDAY, AND AN ADJUSTMENT TO THE TAX RATE ON PROPERTY COVERAGE INSURANCE CONTRACTS; TO SET THE INSURANCE REGULATORY CHARGE, TO SET THE PUBLIC UTILITY REGULATORY FEE, TO INCREASE CERTAIN FEES TO SUPPORT RECEIPT-SUPPORTED SERVICES, TO PROVIDE FOR THE FINANCING OF VARIOUS HIGHER EDUCATION AND STATE FACILITIES; AND FOR OTHER PURPOSES.

Referred to the **Appropriations/Base Budget Committee**.

May 14, 2007

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 8:41 P.M.

SIXTY-FOURTH DAY

Senate Chamber
Tuesday, May 15, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Dr. Heath Rada, from Montreat, North Carolina as follows:

"Creator and sustainer God, gathered here today once again are the men and women who have been elected by our citizens to work together as Senators in order to enact laws which assure justice, distribute fair and appropriately prioritized resources, guarantee a reasonable quality of life for all, and to be the caretakers and caregivers for our State of North Carolina. Grant them clarity of thinking to make wise decisions, selfless commitment needed to assure privileges for all, a spirit of cooperation which will allow their work to move forward, and the energy, health and stamina to sustain them in their arduous tasks. It is a new day, O God. May we all see the opportunities before us in a new light and with a renewed focus. We pray with gratitude and in respect for your love of us. Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, May 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 privileges of the floor to Dr. James F. Toole from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1362, A BILL TO BE ENTITLED AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO PROVIDE THAT ALL SITE

May 15, 2007

WORK WILL BE PERFORMED BY AN INDEPENDENT CONTRACTOR RETAINED BY THE ENVIRONMENT MANAGEMENT COMMISSION AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55471, which changes the title to read **S.B. 1362** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO CLARIFY THE DEFINITION OF DRY-CLEANING SOLVENT, TO AUTHORIZE THE USE OF FUNDS FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR THE INVESTIGATION OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES REASONABLY BELIEVED TO BE CONTAMINATED BY DRY-CLEANING SOLVENT, TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY A PRIVATE CONTRACTOR RETAINED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, TO MODIFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO POTENTIALLY RESPONSIBLE PARTIES, AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is referred to the **Finance Committee**.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 490, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO REGULATION UNDER THE BUILDING CODE, with a favorable report.

S.B. 492, A BILL TO BE ENTITLED AN ACT EXEMPTING POLITICAL SUBDIVISIONS OF THE STATE FROM THE LAWS REGULATING PUBLIC CONTRACTS WHEN PURCHASING FROM CONTRACTS ESTABLISHED BY THE UNITED STATES OF AMERICA OR ANY FEDERAL AGENCY, with a favorable report.

S.B. 661, A BILL TO BE ENTITLED AN ACT TO AMEND ALCOHOLIC BEVERAGE CONTROL ELECTION LAWS TO ALLOW CITIES WHICH ARE LOCATED IN MORE THAN ONE COUNTY TO HAVE A CITYWIDE ELECTION FOR MIXED BEVERAGES, with a favorable report.

S.B. 1096, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INMATE WORK ASSIGNMENTS FROM THE STATE SURPLUS LAWS AND TO REMOVE ANTIQUATED LANGUAGE REGARDING THE USE OF FEMALE INMATES IN PRISON LABOR PROJECTS, with a favorable report.

May 15, 2007

S.B. 1272, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF BIODIESEL FOR THE QUALITY AND SAFETY OF MOTORISTS, with a favorable report.

By Senator Graham for the **State & Local Government Committee**:

S.B. 493, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING ROAD HUNTING AND HUNTING ON THE LAND OF ANOTHER IN BERTIE COUNTY, with a favorable report.

S.B. 572, A BILL TO BE ENTITLED AN ACT PROVIDING FOR A MORATORIUM ON ANNEXATIONS INTO HOKE COUNTY BY MUNICIPALITIES OUTSIDE THE COUNTY AND A MORATORIUM ON THE EXERCISE OF EXTRATERRITORIAL JURISDICTION POWERS IN THE COUNTY BY MUNICIPALITIES OUTSIDE THE COUNTY, with a favorable report.

S.B. 649, A BILL TO BE ENTITLED AN ACT TO REPEAL EXEMPTIONS FROM A LOCAL ACT LIMITING HEIGHT OF BUILDINGS IN THE CITY OF HENDERSONVILLE, with a favorable report.

S.B. 1248, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO NORTH CAROLINA'S NORTHEAST COMMISSION, with a favorable report.

H.B. 410, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A MORE EVEN BALANCE IN THE ELECTION CYCLE FOR THE CLEVELAND COUNTY BOARD OF EDUCATION, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 966 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CAPITAL FACILITIES FINANCE AGENCY TO ISSUE BONDS FOR SALVAGE CENTERS AND CERTAIN RESEARCH FACILITIES, 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, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

May 15, 2007

The Committee Substitute bill is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 728, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE MEDIATION IN DISTRICT CRIMINAL COURTS AND TO ESTABLISH A PROGRAM WITHIN THE DISPUTE RESOLUTION COMMISSION FOR THE CERTIFICATION OF MEDIATORS WORKING IN THE DISTRICT CRIMINAL COURTS, with a favorable report.

CALENDAR *(continued)*

S.B. 667 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT CERTAIN AFFILIATES OF A MANUFACTURER OF OTHER TOBACCO PRODUCTS AS IF THEY WERE THE MANUFACTURER FOR PURPOSES OF ADMINISTRATION OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS.

Upon motion of Senator Garrou, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOXING ADVISORY COMMISSION.

The Committee Substitute bill passes its second (44-4) and third readings and is ordered sent to the House of Representatives.

S.B. 741 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ELIMINATING THE WAITING PERIOD FOR UNEMPLOYMENT BENEFITS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND TO AMEND THE LAW GOVERNING ADVANCE PAYMENTS BY NONPROFIT ORGANIZATIONS AND INDIAN TRIBES.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 806 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LENGTHEN THE TIME GOODS PURCHASED BY PAWNBROKERS MUST BE HELD BEFORE RESALE.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

May 15, 2007

S.B. 284, AN ACT ALLOWING THE CITY OF SANFORD TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE CITY'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE CITY'S SATELLITE CORPORATE LIMITS, AND PROHIBITING THE CITY FROM ANNEXING AREAS WITHIN CHATHAM COUNTY.

S.B. 417, AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE TOWN OF WILKESBORO.

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. 407, AN ACT EXTENDING THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF MAGNOLIA. (Became law upon ratification, May 14, 2007 - S.L. 2007-40.)

S.B. 22, AN ACT TO PROVIDE FOR REGULAR MUNICIPAL ELECTIONS IN THE CITY OF ARCHDALE TO BE CONDUCTED IN EVEN-NUMBERED YEARS, TO EXTEND THE TERMS OF CURRENT OFFICERS TO THE NEW ELECTION SCHEDULE, AND TO PROVIDE THAT ONE COUNCIL MEMBER SHALL BE ELECTED FROM EACH OF FOUR WARDS AND TWO AT LARGE. (Became law upon ratification, May 14, 2007 - S.L. 2007-41.)

H.B. 1145, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO LOITER IN THE TOWN OF COLUMBIA AND IN THE CITY OF BREVARD FOR THE PURPOSE OF VIOLATING THE CONTROLLED SUBSTANCE LAWS. (Became law upon ratification, May 14, 2007 - S.L. 2007-42.)

CALENDAR *(continued)*

S.B. 930 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GRANTING AUTHORITY TO PRIVATE CORRECTIONAL OFFICERS EMPLOYED PURSUANT TO A CONTRACT WITH THE FEDERAL BUREAU OF PRISONS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE TIME LIMITATIONS ON OVERPAYMENT RECOVERY UNDER THE PROMPT CLAIM PAYMENTS STATUTE.

May 15, 2007

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Commerce, Small Business and Entrepreneurship Committee**.

S.B. 940 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE RETIREMENT SYSTEM DIVISION OF THE DEPARTMENT OF STATE TREASURER TO PROVIDE DIRECT ACCESS TO INFORMATION REQUESTED BY THE FISCAL RESEARCH DIVISION.

The Committee Substitute bill passes its second reading (47-3).

Senator Stevens objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, May 16, upon third reading.

S.B. 1466 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES RELATING TO HEALTH AND SAFETY TO THE MIGRANT HOUSING ACT OF NORTH CAROLINA AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS.

Senator Berger of Rockingham offers Amendment No. 1.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**, with Amendment No. 1 pending.

S.B. 1495 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A VEHICLE USED TO TOW OR TRANSPORT ANOTHER VEHICLE BE MARKED SO THAT THE OWNER MAY BE IDENTIFIED.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1562, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF HALIFAX ON THE OCCASION OF THE TOWN'S TWO HUNDRED FIFTIETH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on May 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, May 16, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, May 16.

May 15, 2007

S.B. 685, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SIGNATURE OF THE PATIENT OR THE PATIENT'S PARENT, GUARDIAN, OR REPRESENTATIVE ON "DO NOT RESUSCITATE" ORDER FORMS, referred to the **Judiciary I Committee** on March 13.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Judiciary II Committee**.

CALENDAR (*continued*)

S.B. 556, A BILL TO BE ENTITLED AN ACT AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING OR STRUCTURE CODE, as amended on second reading on May 9.

The bill, as amended, passes its third reading (50-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 1006, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAW PERTAINING TO CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION.

The bill passes its third reading (45-5) and is ordered sent to the House of Representatives.

S.B. 1546, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS.

Senator Stevens offers Amendment No. 1 which is adopted (50-0).

The bill, as amended, passes its third reading (50-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 667 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT CERTAIN AFFILIATES OF A MANUFACTURER OF OTHER TOBACCO PRODUCTS AS IF THEY WERE THE MANUFACTURER FOR PURPOSES OF ADMINISTRATION OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, temporarily displaced earlier.

Senator Hagan offers Amendment No. 1 which is adopted (50-0), and changes the title to read **S.B. 667** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT CERTAIN AFFILIATES OF A MANUFACTURER OF OTHER TOBACCO PRODUCTS AS IF THEY WERE THE MANUFACTURER FOR PURPOSES OF ADMINISTRATION OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, AND TO PROVIDE THAT THE PERMISSION GRANTED TO A CIGARETTE MANUFACTURER TO BE RELIEVED OF PAYING THE CIGARETTE EXCISE TAX APPLIES TO ALL TOBACCO PRODUCTS DISTRIBUTED BY THE MANUFACTURER.

May 15, 2007

The Committee Substitute bill, as amended, passes its second (50-0) and third readings and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 1117, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN BOTH CIVIL AND CRIMINAL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55463, which changes the title to read **S.B. 1117** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN CIVIL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY AND TO PROVIDE THAT DEPOSITIONS MAY ONLY BE TAKEN INTO THE JURY ROOM WITH CONSENT OF THE PARTIES, is adopted and engrossed.

S.B. 1327, A BILL TO BE ENTITLED AN ACT TO ADD AN EXCEPTION TO THE CIRCUMSTANCES UNDER WHICH A SURETY ON A BAIL BOND IS NOT REQUIRED TO RETURN THE PREMIUM ON THE BOND UNDER THE LAWS REGULATING BAIL BONDSMEN AND RUNNERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55467, is adopted and engrossed.

S.B. 1480, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION AND THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION TO PROVIDE FOR MEDICAL RELEASE OF NO-RISK INMATES WHO ARE EITHER PERMANENTLY AND TOTALLY DISABLED, TERMINALLY ILL, OR GERIATRIC, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55468, is adopted and engrossed.

May 15, 2007

WITHDRAWAL FROM COMMITTEE

H.B. 1185, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN JOHNSTON COUNTY, referred to the **State & Local Government Committee** on April 17.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State & Local Government Committee** and placed on the Calendar for Wednesday, May 16, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State & Local Government Committee** and places it on the Calendar for Wednesday, May 16.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Robbie Bell, Louisburg; Ja' Mei Bess, Raleigh; William Cooper III, Fayetteville; Polly Ethers, Kings Mountain; Kirk Hemingway, Clayton; Sarah Holmes, Mocksville; Rick Jackson, Burlington; Kimpton Langford, Salisbury; Ariel Lewis, Raleigh; Jasmine MacDonald, Cary; Cherrelle McKnight, Lillington; Caitlin McLamb, Raleigh; Andrew Purinai, Rocky Mount; Elizabeth Safrit, Kannapolis; Kontrice Shaw-Lester, Fayetteville; Beth Shawley, Waxhaw; Alicia Smith, Fayetteville; Mary Trease, Waxhaw; Kiki Ventour, Knightdale; and Vanessa Williams, Youngsville.

ADDITIONAL SPONSORS

Senator Goss requests to be added as a sponsor of previously introduced legislation:

S.B. 948, A BILL TO BE ENTITLED AN ACT TO PROMOTE SMALL DAIRY SUSTAINABILITY BY ALLOWING CONSUMERS TO CONTRACT WITH LOCAL FARMERS TO PURCHASE FRESH MILK.

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 509, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION OF A MOTOR VEHICLE AFTER A FAILURE TO MEET LAWFUL STANDARDS IN AN INITIAL MOTOR VEHICLE INSPECTION.

S.B. 954, A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINA AS A MEMBER OF THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.

May 15, 2007

S.B. 966, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR SALVAGE CENTERS.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns subject to introduction of bills and receipt of messages from the House of Representatives, to meet Wednesday, May 16, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1563, A JOINT RESOLUTION HONORING 2006 NASCAR NEXTEL CUP CHAMPION JIMMIE JOHNSON.

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. 116, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN TISSUE BANKS OPERATING IN NORTH CAROLINA TO BE ACCREDITED BY THE AMERICAN ASSOCIATION OF TISSUE BANKS OR THE EYE BANK ASSOCIATION OF AMERICA.

Referred to the **Health Care Committee**.

H.B. 403 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING CONSULTATION WITH THE GENERAL ASSEMBLY BEFORE ADOPTION OF CLASSIFICATION AND PAY SYSTEMS BY THE STATE PERSONNEL COMMISSION.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND RECODIFY THE LAW AUTHORIZING THE DIVISION OF CORRECTION ENTERPRISES WITHIN THE DEPARTMENT OF CORRECTION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 894 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES.

Referred to the **Judiciary I Committee**.

May 15, 2007

H.B. 946 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE AN OFFENSE OF VANDALISM THAT RESULTS IN MORE THAN FIVE THOUSAND DOLLARS IN DAMAGES A CLASS I FELONY.

Referred to the **Judiciary II Committee**.

H.B. 1017, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET WITHIN THREE NAUTICAL MILES OF THE SHORELINE OF BRUNSWICK COUNTY FROM MAY 1 THROUGH OCTOBER 31 OF EACH YEAR.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1020, A BILL TO BE ENTITLED AN ACT TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP.

Referred to the **Select Committee on Government and Election Reform**.

H.B. 1163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN DESCRIBED PROPERTY TO BE ADDED TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS AND AUTHORIZING THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA.

Referred to the **Finance Committee**.

H.B. 1482, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN DEFINITIONS UNDER THE LAWS PERTAINING TO CIVIL NO-CONTACT ORDERS.

Referred to the **Judiciary II Committee**.

H.B. 1537, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE LAWS ON DRIVING WHILE INTOXICATED.

Referred to the **Judiciary I Committee**.

H.B. 1551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE STATE GOVERNMENTAL ACCOUNTABILITY AND INTERNAL CONTROL ACT; TO ESTABLISH INTERNAL CONTROL STANDARDS FOR STATE GOVERNMENT; AND TO INCREASE FISCAL ACCOUNTABILITY WITHIN STATE GOVERNMENT.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 1683, A BILL TO BE ENTITLED AN ACT TO ADOPT THE RAFINESQUE'S BIG-EARED BAT AS THE OFFICIAL BAT OF THE STATE OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

May 15, 2007

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:59 P.M.

SIXTY-FIFTH DAY

Senate Chamber
Wednesday, May 16, 2007

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:

"Yesterday, O God, two tractor trailers and some people were out on Jones Street advocating a two-day work week. The way I remember it in Genesis is that your work ethic is clearly defined. Sixth-sevenths of some amount of time you devoted to creating the heavens and the earth and all the inhabitants here. And on the seventh day you rested. A two-day work week just doesn't stack up to the Biblical witness or the work ethic of the people in North Carolina and such a proposal makes me even more sensitive to the accusations of my friends and others that ministers only work one day. That's a myth I don't want to perpetuate. Thank you for the gift of our work and the testimony of your time clock. Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, 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.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 658, AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA FOR THE ASSESSMENT OF BANKS AND STATE TRUST COMPANIES.

H.B. 552, AN ACT TO PROVIDE QUALIFIED IMMUNITY FOR PERSONS SERVING ON LOCAL BOARDS OF TRUSTEES OF THE FIREMEN'S RELIEF FUND OF NORTH CAROLINA.

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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. 284, AN ACT ALLOWING THE CITY OF SANFORD TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE CITY'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE CITY'S SATELLITE CORPORATE LIMITS, AND PROHIBITING THE CITY FROM ANNEXING AREAS WITHIN CHATHAM COUNTY. (Became law upon ratification, May 15, 2007 - S.L. 2007-43.)

S.B. 417, AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR THE TOWN OF WILKESBORO. (Became law upon ratification, May 15, 2007 - S.L. 2007-44.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Malone for the **Education/Public Instruction Committee**:

S.J.R. 1168, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, with a favorable report.

S.B. 1115, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A LATERAL ENTRY PILOT PROGRAM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55478, which changes the title to read **S.B. 1115** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM FOR LATERAL ENTRY TEACHERS, is adopted and engrossed.

S.J.R. 1169, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF TWO APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, with an unfavorable report as to bill, but favorable as to Committee Substitute Joint Resolution.

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Pursuant to Rule 45.1, the proposed Committee Substitute Joint Resolution 35373, which changes the title to read **S.J.R. 1169** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF KEVIN D. HOWELL AND EULADA P. WATT TO THE STATE BOARD OF EDUCATION, is adopted and engrossed.

By Senator Graham for the **State & Local Government Committee**:

S.B. 226, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55448, which changes the title to read **S.B. 226** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WILMINGTON TO USE CIVILIAN TRAFFIC INVESTIGATORS TO INVESTIGATE PROPERTY DAMAGE CRASHES, is adopted and engrossed.

S.B. 227, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35372, which changes the title to read **S.B. 227** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S PUBLIC NUISANCE ORDINANCE, is adopted and engrossed.

S.B. 617, A BILL TO BE ENTITLED AN ACT EXEMPTING VEHICLES USED FOR CARPOOLING BY MECKLENBURG COUNTY EMPLOYEES AND NONEMPLOYEES FROM THE PROVISIONS OF G.S. 14-247, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 55473, which changes the title to read **S.B. 617** (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING COUNTY VEHICLES USED BY MECKLENBURG COUNTY EMPLOYEES TO CARPOOL WITH EACH OTHER FROM THE PROVISIONS OF G.S. 14-247, is adopted and engrossed.

S.B. 652, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85317, which changes the title to read **S.B. 652** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF EDEN,

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REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITIES' OVERGROWN VEGETATION ORDINANCES, is adopted and engrossed.

S.B. 815, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF 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 55472, is adopted and engrossed.

H.B. 922 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30474, which changes the title upon concurrence to read **H.B. 922** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION AND TO CHANGE THE TIME WHEN THE MEMBERS OF THE HYDE COUNTY BOARD OF EDUCATION TAKE OFFICE, is adopted and engrossed.

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 924, A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELEMENT MAKING PASSING A STOPPED SCHOOL BUS AND STRIKING A PERSON A FELONY FROM REQUIRING "SERIOUS BODILY INJURY" AND REMOVING THE REQUIREMENT OF SIGNAGE BEING AT LEAST EIGHT INCHES FROM THE DEFINITION OF SCHOOL BUS TO CORRESPOND TO THE CHANGES MADE TO G.S. 20-217 IN THE 2005 SESSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55476, which changes the title to read **S.B. 924** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELEMENT MAKING PASSING A STOPPED SCHOOL BUS AND STRIKING A PERSON A FELONY FROM REQUIRING "SERIOUS BODILY INJURY" AND REMOVING THE REQUIREMENT OF SIGNAGE BEING AT LEAST EIGHT INCHES FROM THE DEFINITION OF SCHOOL BUS TO CORRESPOND TO THE CHANGES MADE TO G.S. 20-217 IN THE 2005 SESSION AND REQUIRING THAT SCHOOL BUSES BE PAINTED YELLOW, is adopted and engrossed.

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S.B. 1290, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF ALCOHOL MONITORING SYSTEMS TO BE USED TO MONITOR INDIVIDUALS WHO HAVE BEEN SENTENCED FOR DWI CONVICTIONS OR AS NECESSARY BY THE COURTS TO ENSURE COMPLIANCE WITH CONDITIONS OF RELEASE, PROBATION, OR PAROLE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65252, which changes the title to read **S.B. 1290** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS TO BE USED TO MONITOR INDIVIDUALS WHO HAVE BEEN SENTENCED FOR DWI CONVICTIONS OR AS NECESSARY BY THE COURTS TO ENSURE COMPLIANCE WITH CONDITIONS OF RELEASE, PROBATION, OR PAROLE, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 1023, A BILL TO BE ENTITLED AN ACT RELATING TO THE STATUS OF LOCAL ENTITY EMPLOYEES SUBJECT TO THE STATE PERSONNEL 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 85315, is adopted and engrossed.

S.B. 1359 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DRIVER OF A MOTORCYCLE TO PROCEED THROUGH AN INTERSECTION CONTROLLED BY A TRAFFIC SIGNAL ONLY IF THE TRAFFIC SIGNAL USES AN INDUCTIVE LOOP VEHICLE SENSOR THAT ACTIVATES THE TRAFFIC SIGNAL AND THE INDUCTIVE LOOP FAILS TO DETECT THE MOTORCYCLE AND ACTIVATE THE TRAFFIC SIGNAL, 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, 15088, which changes the title to read **S.B. 1359** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE OPERATOR OF A MOTORCYCLE TO PROCEED THROUGH AN INTERSECTION CONTROLLED BY A TRAFFIC SIGNAL ONLY IF THE TRAFFIC SIGNAL USES AN INDUCTIVE LOOP VEHICLE SENSOR THAT ACTIVATES THE TRAFFIC SIGNAL AND THE INDUCTIVE LOOP FAILS TO DETECT THE MOTORCYCLE AND ACTIVATE THE TRAFFIC SIGNAL, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

S.B. 531, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO REGULATE GOLF CARTS ON PUBLIC

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STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE CITY, with a favorable report.

S.B. 716, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE POULTRY PRODUCTS INSPECTION ACT, with a favorable report.

H.B. 1041 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX DIVIDED PARCELS TO THE TOWN OF EARL, with a favorable report.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 963, A BILL TO BE ENTITLED AN ACT RELATING TO THE HOURS OF LABOR AND VACATION OF MEMBERS OF MUNICIPAL FIRE DEPARTMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75411, which changes the title to read **S.B. 963** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE HOURS OF LABOR AND OVERTIME COMPENSATION OF MEMBERS OF MUNICIPAL FIRE DEPARTMENTS, is adopted and engrossed.

S.B. 1147, A BILL TO BE ENTITLED AN ACT TO REQUIRE A COPY OF THE REGISTRATION CARD ISSUED FOR A DEALER REGISTRATION PLATE BE IN THE VEHICLE, TO MODIFY RETENTION AND INSPECTION PROCEDURES FOR DEALER RECORDS, CLARIFY SELF-INSPECTOR RESPONSIBILITIES, CLARIFY WHEN A VEHICLE MUST BE INSPECTED, AND THE SCOPE OF AN EMISSIONS INSPECTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75409, which changes the title to read **S.B. 1147** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A COPY OF THE REGISTRATION CARD ISSUED FOR A DEALER REGISTRATION PLATE BE IN THE VEHICLE, TO MODIFY RETENTION AND INSPECTION PROCEDURES FOR DEALER RECORDS, AND CLARIFY WHEN A VEHICLE MUST BE INSPECTED, is adopted and engrossed.

S.B. 1277, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL VEHICLES TRANSFERRED TO OR PURCHASED BY THE STATE THAT ARE CAPABLE OF OPERATING ON DIESEL FUEL SHALL HAVE A MANUFACTURER'S WARRANTY THAT COVERS THE USE OF B-20 FUEL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15089, is adopted and engrossed.

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S.B. 1350, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT FAIR COMPENSATION BE PAID TO FRANCHISED MOTOR VEHICLE DEALERS TERMINATED AS A RESULT OF INDUSTRY REORGANIZATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65251, is adopted and engrossed.

S.B. 1364, A BILL TO BE ENTITLED AN ACT TO REQUIRE SECONDARY PURCHASERS OF MOTOR VEHICLES FOR SCRAP METAL OR SALVAGE PARTS TO MAINTAIN RECORDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85318, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 572, A BILL TO BE ENTITLED AN ACT PROVIDING FOR A MORATORIUM ON ANNEXATIONS INTO HOKE COUNTY BY MUNICIPALITIES OUTSIDE THE COUNTY AND A MORATORIUM ON THE EXERCISE OF EXTRATERRITORIAL JURISDICTION POWERS IN THE COUNTY BY MUNICIPALITIES OUTSIDE THE COUNTY.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 1271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PAYROLL DEDUCTIONS FOR CERTAIN EMPLOYEE ASSOCIATIONS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 17.

S.B. 509 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE SERVING ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO CHANGE THE PENALTY FOR CLEAN SCANNING AND OTHER TYPE I EMISSIONS VIOLATIONS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 493, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING ROAD HUNTING AND HUNTING ON THE LAND OF ANOTHER IN BERTIE COUNTY.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 649, A BILL TO BE ENTITLED AN ACT TO REPEAL EXEMPTIONS FROM A LOCAL ACT LIMITING HEIGHT OF BUILDINGS IN THE CITY OF HENDERSONVILLE.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

H.B. 410, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A MORE EVEN BALANCE IN THE ELECTION CYCLE FOR THE CLEVELAND COUNTY BOARD OF EDUCATION.

The bill passes its second (50-0) and third readings and is ordered enrolled.

H.B. 1185, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN JOHNSTON COUNTY.

The bill passes its second (50-0) and third readings and is ordered enrolled.

S.B. 1272, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF BIODIESEL FOR THE QUALITY AND SAFETY OF MOTORISTS, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---50.

Voting in the negative: None.

The bill remains on the Calendar for Thursday, May 17, upon third reading.

S.B. 60, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMMEDIATELY DESIGNATE A TEMPORARY LOCATION FOR REGISTRATION DOCUMENT AND PLATE ACQUISITION WHEN CLOSING THE ONLY CONTRACT LICENSE PLATE AGENCY IN A COUNTY.

Senator Goss 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.

S.B. 490, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO REGULATION UNDER THE BUILDING CODE.

The bill passes its second reading (47-3).

Senator Hoyle objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, May 17, upon third reading.

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WITHDRAWAL FROM COMMITTEE

S.B. 1303, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ONE-DAY, ONE-DOLLAR HERITAGE TROUT WATERS LICENSES AS A MEANS OF PROMOTING HERITAGE TOURISM, referred to the **Finance Committee** on March 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

CALENDAR (*continued*)

S.B. 492, A BILL TO BE ENTITLED AN ACT EXEMPTING POLITICAL SUBDIVISIONS OF THE STATE FROM THE LAWS REGULATING PUBLIC CONTRACTS WHEN PURCHASING FROM CONTRACTS ESTABLISHED BY THE UNITED STATES OF AMERICA OR ANY FEDERAL AGENCY.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 661, A BILL TO BE ENTITLED AN ACT TO AMEND ALCOHOLIC BEVERAGE CONTROL ELECTION LAWS TO ALLOW CITIES WHICH ARE LOCATED IN MORE THAN ONE COUNTY TO HAVE A CITYWIDE ELECTION FOR MIXED BEVERAGES.

Without objection, Senator Hartsell requests to be excused from voting on the bill due to a conflict of interest.

The bill passes its second reading (34-15).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, May 17, upon third reading.

S.B. 728, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE MEDIATION IN DISTRICT CRIMINAL COURTS AND TO ESTABLISH A PROGRAM WITHIN THE DISPUTE RESOLUTION COMMISSION FOR THE CERTIFICATION OF MEDIATORS WORKING IN THE DISTRICT CRIMINAL COURTS.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1096, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INMATE WORK ASSIGNMENTS FROM THE STATE SURPLUS LAWS

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AND TO REMOVE ANTIQUATED LANGUAGE REGARDING THE USE OF FEMALE INMATES IN PRISON LABOR PROJECTS.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1117 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN CIVIL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY AND TO PROVIDE THAT DEPOSITIONS MAY ONLY BE TAKEN INTO THE JURY ROOM WITH CONSENT OF THE PARTIES.

The Chair grants a leave of absence for the remainder of today's session to Senator Garrou.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1248, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO NORTH CAROLINA'S NORTHEAST COMMISSION.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1327 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD AN EXCEPTION TO THE CIRCUMSTANCES UNDER WHICH A SURETY ON A BAIL BOND IS NOT REQUIRED TO RETURN THE PREMIUM ON THE BOND UNDER THE LAWS REGULATING BAIL BONDSMEN AND RUNNERS.

Without objection, Senator Apodaca requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

Senator McKissick offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1480 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION AND THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION TO PROVIDE FOR MEDICAL RELEASE OF NO-RISK INMATES WHO ARE EITHER PERMANENTLY AND TOTALLY DISABLED, TERMINALLY ILL, OR GERIATRIC.

The Committee Substitute bill passes its second (45-4) and third readings and is ordered sent to the House of Representatives.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1796, A JOINT RESOLUTION OBSERVING THE FIFTIETH ANNIVERSARY OF THE NORTH CAROLINA REAL ESTATE COMMISSION.

Upon motion of Senator Rand, the Rules are suspended and the joint resolution is placed on today's Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1564, A JOINT RESOLUTION PROVIDING THAT THE 2007 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR 2006 NASCAR NEXTEL CUP CHAMPION JIMMIE JOHNSON.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

CALENDAR *(continued)*

S.J.R. 1562, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF HALIFAX ON THE OCCASION OF THE TOWN'S TWO HUNDRED FIFTIETH ANNIVERSARY.

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 940 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE RETIREMENT SYSTEM DIVISION OF THE DEPARTMENT OF STATE TREASURER TO PROVIDE DIRECT ACCESS TO INFORMATION REQUESTED BY THE FISCAL RESEARCH DIVISION.

The Committee Substitute passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

H.J.R. 1796, A JOINT RESOLUTION OBSERVING THE FIFTIETH ANNIVERSARY OF THE NORTH CAROLINA REAL ESTATE COMMISSION, placed earlier on today's Calendar.

The joint resolution passes its second (48-0) and third readings and is ordered enrolled.

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S.J.R. 1564, A JOINT RESOLUTION PROVIDING THAT THE 2007 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR 2006 NASCAR NEXTEL CUP CHAMPION JIMMIE JOHNSON, placed earlier on today's Calendar.

The joint resolution passes its second (47-1) and third readings and is ordered sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 862, A BILL TO BE ENTITLED AN ACT TO ALLOW REGULATION OF SMOKING ON THE CAMPUSES OF THE UNC HEALTH CARE SYSTEM, THE FACILITIES OF THE EAST CAROLINA SCHOOL OF MEDICINE AND PHYSICIANS PRACTICE PLAN, AND THE BUILDINGS AND GROUNDS 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 55479, is adopted and engrossed.

Upon motion of Senator Dannelly, seconded by Senator Rand, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Thursday, May 17, at 1:30 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1026 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE THE LICENSEE'S BIRTHDAY AS THE EXPIRATION DATE OF A DRIVERS LICENSE FOR A PERSON EIGHTEEN YEARS OLD OR OLDER; TO CORRECT THE DESCRIPTION OF THE DOCUMENTS REQUIRED TO BE PRESENTED BY LEGAL NONIMMIGRANT APPLICANTS FOR A DRIVERS LICENSE TO ESTABLISH THAT THEY ARE LEGALLY PRESENT IN THE UNITED STATES AND HOW LONG THEY ARE AUTHORIZED TO STAY; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CANCEL A DRIVERS LICENSE ISSUED TO A LEGAL NONIMMIGRANT IF THAT PERSON IS NO LONGER AUTHORIZED UNDER FEDERAL LAW TO BE IN THE UNITED STATES, ALL 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 Thursday, May 17, for concurrence.

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 313 (Committee Substitute No. 4), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SETTLEMENT AGENTS INCLUDE THE IDENTITY OF THE LOAN ORIGINATOR ON THE DEED OF TRUST, AND THAT LENDERS INCLUDE INFORMATION REGARDING THE LOAN ORIGINATION IN THE LOAN CLOSING INSTRUCTIONS.

Referred to the **Judiciary I Committee**.

H.B. 349, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW ALLOWING THE STATE BOARD OF EDUCATION TO REMOVE LOCAL SCHOOL BOARD MEMBERS.

Referred to the **Education/Public Instruction Committee**.

H.B. 445 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHILD PLACEMENT AGENCIES TO ACT AS CONFIDENTIAL INTERMEDIARIES BETWEEN ADULT ADOPTEES, AN ADULT LINEAL DESCENDANT OF A DECEASED ADOPTEE, AND A BIOLOGICAL PARENT.

Referred to the **Judiciary II Committee**.

H.B. 651 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD ANSONVILLE TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

Referred to the **State & Local Government Committee**.

H.B. 819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL LAWS TO PROVIDE THAT: (1) AN APPLICATION FOR A CONSTRUCTION PERMIT FOR A PRIVATE DRINKING WATER WELL THAT IS TO BE LOCATED ON A SITE ON WHICH A WASTEWATER SYSTEM IS LOCATED MAY BE ACCOMPANIED BY A SITE PLAN RATHER THAN A PLAT; (2) PROOF OF COMPLETION OF ANY REQUIRED PROFESSIONAL DEVELOPMENT IS REQUIRED FOR RENEWAL OF A WELL CONTRACTOR CERTIFICATE; AND (3) CIVIL PENALTIES COLLECTED BY THE DEPARTMENT OR OTHER STATE AGENCY UNDER ARTICLE 4 OF CHAPTER 113A OF THE GENERAL STATUTES SHALL BE USED AS PROVIDED IN SECTION 7 OF ARTICLE IX OF THE CONSTITUTION OF NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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H.B. 820, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN NATURAL RESOURCES LAWS TO CLARIFY THAT DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

H.B. 821 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk pending referral.

H.B. 822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk pending referral.

H.B. 842, A BILL TO BE ENTITLED AN ACT TO REPEAL A LEGISLATIVE ANNEXATION TO THE TOWN OF MOUNT PLEASANT.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

H.B. 859, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE LAW THAT SETS THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS AND REQUIRES THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 904 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ANY PERSON APPLYING FOR A DUPLICATE SPECIAL IDENTIFICATION CARD, LEARNER'S PERMIT, OR DRIVERS LICENSE THAT WAS ISSUED BY USING AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER BE REQUIRED TO PRODUCE A VALID SOCIAL SECURITY NUMBER.

Referred to the **Judiciary II Committee**.

H.B. 1002, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CABARRUS COUNTY AND MUNICIPALITIES IN CABARRUS COUNTY

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TO USE QUICK TAKE IN CERTAIN CONDEMNATION PROCEEDINGS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

H.B. 1003, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COURT MAY CONSIDER A DEFENDANT'S PRIOR FAILURES TO COMPLY WITH CONDITIONS OF RELEASE WHEN PLACED ON SUPERVISED PROBATION, PAROLE, OR POST-RELEASE SUPERVISION AS AN AGGRAVATING FACTOR.

Referred to the **Judiciary II Committee**.

H.B. 1113, A BILL TO BE ENTITLED AN ACT TO LIMIT THE USE OF THE PUBLIC DUTY DOCTRINE AS AN AFFIRMATIVE DEFENSE FOR CIVIL ACTIONS UNDER THE STATE TORT CLAIMS ACT TO THOSE CLAIMS IN WHICH THE INJURIES OF THE CLAIMANT ARE THE RESULT OF THE ALLEGED NEGLIGENT FAILURE OF LAW ENFORCEMENT TO PROTECT CLAIMANTS FROM THE MISCONDUCT OF OTHERS.

Referred to the **Judiciary I Committee**.

H.B. 1250, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF DURHAM.

Referred to the **Finance Committee**.

H.B. 1284 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CAUSE OF ACTION FOR BREACH OF CONTRACT OR BREACH OF WARRANTY ARISING OUT OF THE PERFORMANCE OF A CONSTRUCTION PROJECT TO IMPROVE REAL PROPERTY IS DEEMED TO ACCRUE AT THE TIME OF THE OCCURRENCE OF THE BREACH OR UPON SUBSTANTIAL COMPLETION OF THE CONSTRUCTION, WHICHEVER OCCURS LATER.

Referred to the **Judiciary I Committee**.

H.B. 1294 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES.

Referred to the **Health Care Committee**.

H.B. 1308, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR LIFETIME CERTIFICATION FOR TEACHERS AFTER FIFTY YEARS OF TEACHING.

Referred to the **Education/Public Instruction Committee**.

H.B. 1341, A BILL TO BE ENTITLED AN ACT TO ADOPT THE THALIAN ASSOCIATION AT WILMINGTON, NORTH CAROLINA, AS THE OFFICIAL COMMUNITY THEATER OF NORTH CAROLINA.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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H.B. 1384, A BILL TO BE ENTITLED AN ACT TO REPEAL THE STATUTORY RULE AGAINST PERPETUITIES AND CODIFY THE LAW REGARDING THE POWER OF ALIENATION FOR TRUSTS CREATED IN NORTH CAROLINA.

Referred to the **Judiciary I Committee**.

H.B. 1456 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE ACQUISITION AND DISPOSITION OF PROPERTY AND THE PROCUREMENT OF GOODS AND SERVICES BY REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1465, A BILL TO BE ENTITLED AN ACT TO DESIGNATE MAY 12 OF EACH YEAR AS FIBROMYALGIA AWARENESS DAY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1486, A BILL TO BE ENTITLED AN ACT TO AMEND THE DIETETICS/NUTRITION PRACTICE ACT CONCERNING REVIEW OF CHANGES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1500 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE DEFENDANT ACCESS TO DNA TESTING OF EVIDENCE WHEN CURRENT TESTING PROCEDURES ARE MORE ACCURATE THAN PAST TESTING PROCEDURES, TO AMEND THE LAW GOVERNING THE PRESERVATION AND DISPOSITION OF POSSIBLE DNA EVIDENCE AND POSTCONVICTION DNA TESTING, AND TO PROVIDE A RIGHT OF APPEAL TO A DEFENDANT FOR DENIAL OF A MOTION TO CONDUCT DNA TESTING.

Referred to the **Judiciary II Committee**.

H.B. 1522 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A HEALTH CARE PROVIDER THAT CONTRACTS WITH A LOCAL MANAGEMENT ENTITY TO PROVIDE SERVICES MAY NOT BE APPOINTED TO OR SERVE ON THE LOCAL MANAGEMENT ENTITIES BOARD.

Referred to the **Health Care Committee**.

H.B. 1536 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF DEALERS OF LIQUEFIED PETROLEUM GAS AND THEIR EMPLOYEES, AGENTS, AND SUBCONTRACTORS UNDER CERTAIN SPECIFIED CIRCUMSTANCES.

Referred to the **Judiciary I Committee**.

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H.B. 1556, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1634, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CUSTODY, VISITATION, EXPEDITED HEARING, AND ELECTRONIC COMMUNICATIONS PROCEDURES WHEN A PARENT RECEIVES MILITARY TEMPORARY DUTY, DEPLOYMENT, OR MOBILIZATION ORDERS.

Referred to the **Judiciary II Committee**.

H.B. 1784 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCESSIBILITY OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Health Care Committee**.

H.B. 1810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT OF 2005.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:38 P.M.

SIXTY-SIXTH DAY

Senate Chamber
Thursday, May 17, 2007

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 confess that we are not always as we seem to others, nor even as we imagine ourselves. You alone see us as we truly are, yet you do not give up on us. May the faith you have put in us encourage us to live our lives more as you meant and planned them. Keep working in us your miracle of transformation. Lead us in the ways that are good and true. In your holy name we pray. Amen."

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The Chair grants leaves of absence for today to Senator Brunstetter, Senator Garrou and Senator Kerr.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, 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 privileges of the floor to Dr. Robert Leinbach II from High Point, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills and joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 363, AN ACT TO AUTHORIZE THE TAKING OF RACCOONS BY TRAPPING IN ASHE COUNTY.

S.B. 364, AN ACT TO AUTHORIZE THE TRAPPING AND SALE OF FOXES IN ASHE COUNTY.

S.B. 386, AN ACT TO CONFIRM THAT WARREN COUNTY BOARD OF EDUCATION MEMBERS ARE TO BE ELECTED FROM TOWNSHIPS AS PROVIDED IN CHAPTER 335 OF THE PUBLIC-LOCAL LAWS OF 1937, AND TO PROVIDE THAT NEWLY ELECTED MEMBERS OF THAT BOARD TAKE OFFICE 30 DAYS AFTER CERTIFICATION OF THE ELECTION RESULTS.

H.B. 410, AN ACT TO PROVIDE FOR A MORE EVEN BALANCE IN THE ELECTION CYCLE FOR THE CLEVELAND COUNTY BOARD OF EDUCATION.

H.B. 443, AN ACT AUTHORIZING CHEROKEE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JUSTICE CENTER.

H.B. 1185, AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN JOHNSTON COUNTY.

S.J.R. 1562, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF HALIFAX ON THE OCCASION OF THE TOWN'S TWO HUNDRED FIFTIETH ANNIVERSARY. (Res. 31)

S.J.R. 1564, A JOINT RESOLUTION PROVIDING THAT THE 2007 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR 2006 NASCAR NEXTEL CUP CHAMPION JIMMIE JOHNSON. (Res. 32)

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H.J.R. 1796, A JOINT RESOLUTION OBSERVING THE FIFTIETH ANNIVERSARY OF THE NORTH CAROLINA REAL ESTATE COMMISSION. (Res. 33)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 514, A BILL TO BE ENTITLED AN ACT TO PROHIBIT BUSINESSES THAT SUPPLY SERVICES OR PRODUCTS FROM MISREPRESENTING THE GEOGRAPHICAL LOCATIONS OF THEIR BUSINESSES IN TELEPHONE DIRECTORIES, DIRECTORY ASSISTANCE DATABASES, AND IN PRINT ADVERTISEMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35376, which changes the title to read **S.B. 514** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT BUSINESSES THAT SUPPLY PERISHABLE PRODUCTS FROM MISREPRESENTING THE GEOGRAPHICAL LOCATIONS OF THEIR BUSINESSES IN TELEPHONE DIRECTORIES, DIRECTORY ASSISTANCE DATABASES, ON THE INTERNET, AND IN PRINT ADVERTISEMENTS, is adopted and engrossed.

S.B. 527, A BILL TO BE ENTITLED AN ACT TO REQUIRE BUSINESSES THAT SELL PRODUCTS OR SERVICES TO CONSUMERS PURSUANT TO CONTRACTS THAT AUTOMATICALLY RENEW UNLESS THE CONSUMERS CANCEL THE CONTRACTS TO DISCLOSE THE RENEWAL CLAUSES AND, FOR CONTRACTS THAT AUTOMATICALLY RENEW FOR MORE THAN ONE MONTH, TO NOTIFY THE CONSUMERS IN WRITING PRIOR TO THE CANCELLATION DEADLINE IN THE AUTOMATIC RENEWAL CLAUSE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75412, which changes the title to read **S.B. 527** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BUSINESSES THAT SELL PRODUCTS OR SERVICES TO CONSUMERS PURSUANT TO CONTRACTS THAT AUTOMATICALLY RENEW UNLESS THE CONSUMERS CANCEL THE CONTRACTS TO DISCLOSE THE RENEWAL CLAUSES, is adopted and engrossed.

S.B. 720, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN OPEN ENROLLMENT PERIOD IN THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE

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EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE LEGISLATIVE RETIREMENT SYSTEM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65254, is adopted and engrossed.

S.B. 942, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENT AUTHORITY TO PLACE SIGNAGE, FOR A LOCAL PUBLIC PURPOSE, IN THE RIGHT-OF-WAY OF AN INTERSTATE HIGHWAY OR PRIMARY STATE HIGHWAY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35375, which changes the title to read **S.B. 942** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT LOCAL GOVERNMENTS FROM ENACTING ORDINANCES THAT WOULD RESTRICT DISTRIBUTION OF NEWSPAPERS, is adopted and engrossed.

S.B. 1055, A BILL TO BE ENTITLED AN ACT TO REQUIRE REBATES TO BE MAILED TO CONSUMERS WITHIN A CERTAIN TIME FRAME AND TO REQUIRE THE DISCLOSURE OF THE TERMS OF THE REBATE OFFERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35374, is adopted and engrossed.

S.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE TIME LIMITATIONS ON OVERPAYMENT RECOVERY UNDER THE PROMPT CLAIM PAYMENTS STATUTE, 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, 65255, is adopted and engrossed.

By Senator Clodfelter for the **Finance Committee**:

S.B. 768, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF A STIPEND TO PUBLIC HEALTH AUTHORITY BOARDS, AND TO AUTHORIZE PUBLIC HEALTH AUTHORITY BOARDS TO BORROW MONEY FOR CERTAIN PURPOSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55481, which changes the title to read **S.B. 768** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF A STIPEND TO

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PUBLIC HEALTH AUTHORITY BOARDS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITY BOARDS TO ENTER INTO INSTALLMENT CONTRACTS, is adopted and engrossed.

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 1204, A BILL TO BE ENTITLED AN ACT TO ESTABLISH NEW CIVIL PENALTIES FOR EMISSIONS VIOLATIONS BASED ON THE TYPE OF VIOLATION THAT HAS OCCURRED, with a favorable report.

Upon motion of Senator Nesbitt, the bill is re-referred to the **Finance Committee**.

S.B. 1326, A BILL TO BE ENTITLED AN ACT TO PROVIDE CONSISTENCY IN WAIVER OF IMMUNITY BY LOCAL GOVERNMENT BY TREATING PARTICIPATION IN RISK POOLS AND TRUSTS FOR PAYMENT OF LIABILITY CLAIMS BY SCHOOL BOARDS LIKE PARTICIPATION IN OTHER GOVERNMENTAL RISK POOLS, 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.

By Senator Graham for the **State & Local Government Committee**:

S.B. 436, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A MORE EVEN BALANCE IN THE ELECTION CYCLE FOR THE CLEVELAND COUNTY BOARD OF EDUCATION, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 924 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELEMENT MAKING PASSING A STOPPED SCHOOL BUS AND STRIKING A PERSON A FELONY FROM REQUIRING "SERIOUS BODILY INJURY" AND REMOVING THE REQUIREMENT OF SIGNAGE BEING AT LEAST EIGHT INCHES FROM THE DEFINITION OF SCHOOL BUS TO CORRESPOND TO THE CHANGES MADE TO G.S. 20-217 IN THE 2005 SESSION AND REQUIRING THAT SCHOOL BUSES BE PAINTED YELLOW.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 22.

S.B. 815 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

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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 **Agriculture/Environment/Natural Resources Committee**.

S.J.R. 1169 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF KEVIN D. HOWELL AND EULADA P. WATT TO THE STATE BOARD OF EDUCATION.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

S.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE STATUS OF LOCAL ENTITY EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 22.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 1019, A BILL TO BE ENTITLED AN ACT TO REQUIRE DOMESTIC CORPORATIONS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS TO MAINTAIN THE NAME OF THE INDIVIDUAL WHO IS THE CUSTODIAN OF RECORD; AND TO GIVE THE SECRETARY OF STATE THE AUTHORITY TO SERVE INTERROGATORIES ON LIMITED LIABILITY PARTNERSHIPS, with a favorable report.

S.B. 1282, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF WILDLIFE PROTECTORS TO ENFORCE CRIMINAL LAWS NOT OTHERWISE WITHIN THEIR JURISDICTION WHILE ON DUTY, with a favorable report.

S.B. 1285, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF BIOPTIC LENSES WHEN TESTING FOR A DRIVERS LICENSE AND THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT PASSES CERTAIN REQUIREMENTS AFTER PASSING THE DRIVERS LICENSE EYE TEST, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

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S.B. 1286, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF MARINE FISHERIES INSPECTORS AND WILDLIFE PROTECTORS TO ENTER PRIVATE LANDS TO ENFORCE LAWS UNDER THEIR JURISDICTIONS, with a favorable report.

S.B. 132, A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF CERTAIN PORNOGRAPHY LAWS BY AMENDING THE DEFINITION OF SEXUAL ACTIVITY; TO INCREASE THE PENALTY FOR FIRST, SECOND, AND THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR; TO PROVIDE THAT IT SHALL BE ILLEGAL FOR THE OWNER OR OPERATOR OF A SOCIAL NETWORKING WEB SITE TO ALLOW A MINOR USING A PROTECTED COMPUTER TO CREATE OR MAINTAIN A PROFILE WEB PAGE ON A SOCIAL NETWORKING WEB SITE WITHOUT THE PERMISSION OF THE MINOR'S PARENT OR GUARDIAN AND WITHOUT PROVIDING SUCH PARENT OR GUARDIAN ACCESS TO SUCH PROFILE WEB PAGE AND TO PROVIDE FOR PENALTIES; TO PROVIDE THAT A FILM PROCESSOR, PHOTO FINISHER, OR COMPUTER TECHNICIAN WHO, IN THE COURSE OF WORK, ENCOUNTERS AN IMAGE OF A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE CUSTOMER REQUESTING THE WORK TO THE APPROPRIATE AUTHORITIES; TO INCREASE THE PENALTY FOR CERTAIN OFFENSES OF SOLICITATION OF CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT; TO MAKE IT A FELONY TO LIE TO A SWORN SBI AGENT CONDUCTING AN OFFICIAL INVESTIGATION; TO PROVIDE THAT AN INVESTIGATIVE GRAND JURY MAY INVESTIGATE CERTAIN ALLEGED CRIMES IN ADDITION TO THOSE RELATING TO CONTROLLED SUBSTANCES AND TO AMEND THE PROCEDURE FOR CONVENING AN INVESTIGATIVE GRAND JURY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55475, which changes the title to read **S.B. 132** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF CERTAIN PORNOGRAPHY LAWS BY AMENDING THE DEFINITION OF SEXUAL ACTIVITY; TO INCREASE THE PENALTY FOR FIRST, SECOND, AND THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR; TO PROVIDE THAT A PROCESSOR OF PHOTOGRAPHIC IMAGES OR A COMPUTER TECHNICIAN WHO, IN THE COURSE OF WORK, ENCOUNTERS AN IMAGE OF A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE CUSTOMER REQUESTING THE WORK TO THE APPROPRIATE AUTHORITIES; TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR THE OWNER OR OPERATOR OF A COMMERCIAL SOCIAL NETWORKING WEB SITE TO ALLOW A MINOR USING A PROTECTED COMPUTER TO CREATE OR MAINTAIN A PERSONAL WEB PAGE ON A COMMERCIAL SOCIAL NETWORKING WEB SITE

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WITHOUT THE PERMISSION OF THE MINOR'S PARENT OR GUARDIAN AND WITHOUT PROVIDING SUCH PARENT OR GUARDIAN ACCESS TO SUCH PERSONAL WEB PAGE, TO REQUIRE THE OWNER OR OPERATOR TO ADOPT AND IMPLEMENT PROCEDURES TO CONFIRM THE IDENTITY AND AGE OF A PARENT OR GUARDIAN GRANTING PERMISSION, AND TO PROVIDE FOR PENALTIES; TO MAKE IT A FELONY FOR A REGISTERED SEX OFFENDER TO ACCESS A COMMERCIAL SOCIAL NETWORKING WEB SITE; TO INCREASE THE PENALTY FOR CERTAIN OFFENSES OF SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT; AND TO MAKE IT A FELONY TO LIE TO A SWORN SBI AGENT CONDUCTING AN OFFICIAL INVESTIGATION, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR (*continued*)

H.B. 1041 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX DIVIDED PARCELS TO THE TOWN OF EARL, 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, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kinnaird, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 21, upon third reading.

H.B. 922 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION AND TO CHANGE THE TIME WHEN THE MEMBERS OF THE HYDE COUNTY BOARD OF EDUCATION TAKE OFFICE.

Senator Jones offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence.

S.B. 226 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WILMINGTON TO USE CIVILIAN TRAFFIC

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INVESTIGATORS TO INVESTIGATE PROPERTY DAMAGE CRASHES.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 227 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S PUBLIC NUISANCE ORDINANCE.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 531, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY OR ON PROPERTY OWNED OR LEASED BY THE CITY.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 652 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITIES' OVERGROWN VEGETATION ORDINANCES.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 617 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING COUNTY VEHICLES USED BY MECKLENBURG COUNTY EMPLOYEES TO CARPOOL WITH EACH OTHER FROM THE PROVISIONS OF G.S. 14-247.

The Committee Substitute bill passes its second (44-2) and third readings and is ordered sent to the House of Representatives.

S.B. 1272, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF BIODIESEL FOR THE QUALITY AND SAFETY OF MOTORISTS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

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S.B. 716, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE POULTRY PRODUCTS INSPECTION ACT.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 862 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW REGULATION OF SMOKING ON THE CAMPUSES OF THE UNC HEALTH CARE SYSTEM, THE FACILITIES OF THE EAST CAROLINA SCHOOL OF MEDICINE AND PHYSICIANS PRACTICE PLAN, AND THE BUILDINGS AND GROUNDS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The Committee Substitute bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

S.B. 963 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE HOURS OF LABOR AND OVERTIME COMPENSATION OF MEMBERS OF MUNICIPAL FIRE DEPARTMENTS.

The Committee Substitute bill passes its second (44-3) and third readings and is ordered sent to the House of Representatives.

S.B. 1115 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM FOR LATERAL ENTRY TEACHERS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A COPY OF THE REGISTRATION CARD ISSUED FOR A DEALER REGISTRATION PLATE BE IN THE VEHICLE, TO MODIFY RETENTION AND INSPECTION PROCEDURES FOR DEALER RECORDS, AND CLARIFY WHEN A VEHICLE MUST BE INSPECTED.

Without objection, Senator Brown requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1168, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 1277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL VEHICLES TRANSFERRED TO OR PURCHASED BY THE STATE THAT ARE CAPABLE OF OPERATING ON DIESEL FUEL SHALL HAVE A MANUFACTURER'S WARRANTY THAT COVERS THE USE OF B-20 FUEL.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS TO BE USED TO MONITOR INDIVIDUALS WHO HAVE BEEN SENTENCED FOR DWI CONVICTIONS OR AS NECESSARY BY THE COURTS TO ENSURE COMPLIANCE WITH CONDITIONS OF RELEASE, PROBATION, OR PAROLE.

Senator Snow offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1350 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT FAIR COMPENSATION BE PAID TO FRANCHISED MOTOR VEHICLE DEALERS TERMINATED AS A RESULT OF INDUSTRY REORGANIZATION.

Without objection, Senator Brown requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1359 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE OPERATOR OF A MOTORCYCLE TO PROCEED THROUGH AN INTERSECTION CONTROLLED BY A TRAFFIC SIGNAL ONLY IF THE TRAFFIC SIGNAL USES AN INDUCTIVE LOOP VEHICLE SENSOR THAT ACTIVATES THE TRAFFIC SIGNAL AND THE INDUCTIVE LOOP FAILS TO DETECT THE MOTORCYCLE AND ACTIVATE THE TRAFFIC SIGNAL.

The Committee Substitute bill No. 2 passes its second reading (47-0).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, May 21, upon third reading.

S.B. 1364 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SECONDARY PURCHASERS OF MOTOR VEHICLES FOR SCRAP METAL OR SALVAGE PARTS TO MAINTAIN RECORDS.

The Chair grants a leave of absence for the remainder of today's session to Senator Jenkins.

The Committee Substitute bill passes its second reading (46-0) and third reading (46-0) and is ordered sent to the House of Representatives.

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S.B. 1271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PAYROLL DEDUCTIONS FOR CERTAIN EMPLOYEE ASSOCIATIONS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

S.B. 490, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO REGULATION UNDER THE BUILDING CODE.

The bill passes its third reading (45-1) and is ordered sent to the House of Representatives.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable Howard Lee, former Senator from Orange County.

CALENDAR *(continued)*

S.B. 661, A BILL TO BE ENTITLED AN ACT TO AMEND ALCOHOLIC BEVERAGE CONTROL ELECTION LAWS TO ALLOW CITIES WHICH ARE LOCATED IN MORE THAN ONE COUNTY TO HAVE A CITYWIDE ELECTION FOR MIXED BEVERAGES.

The bill passes its third reading (31-14) and is ordered sent to the House of Representatives.

S.B. 1026 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE THE LICENSEE'S BIRTHDAY AS THE EXPIRATION DATE OF A DRIVERS LICENSE FOR A PERSON EIGHTEEN YEARS OLD OR OLDER; TO CORRECT THE DESCRIPTION OF THE DOCUMENTS REQUIRED TO BE PRESENTED BY LEGAL NONIMMIGRANT APPLICANTS FOR A DRIVERS LICENSE TO ESTABLISH THAT THEY ARE LEGALLY PRESENT IN THE UNITED STATES AND HOW LONG THEY ARE AUTHORIZED TO STAY; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CANCEL A DRIVERS LICENSE ISSUED TO A LEGAL NONIMMIGRANT IF THAT PERSON IS NO LONGER AUTHORIZED UNDER FEDERAL LAW TO BE IN THE UNITED STATES, ALL AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

ADDITIONAL SPONSOR

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

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S.B. 509, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION OF A MOTOR VEHICLE AFTER A FAILURE TO MEET LAWFUL STANDARDS IN AN INITIAL MOTOR VEHICLE INSPECTION.

S.B. 1077, A BILL TO BE ENTITLED AN ACT TO REGULATE CERTAIN JUVENILE DISCOVERY ORDERS.

Upon motion of Senator Basnight, seconded by Senator Jones, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet Monday, May 21, at 7:00 P.M.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 222, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL OFFENSE OF ROBBERY WITH FIREARMS OR OTHER DANGEROUS WEAPONS TO INCLUDE APPARENT FIREARMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75414, which changes the title to read **S.B. 222** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF ROBBERY WITH AN APPARENT FIREARM, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 789, A BILL TO BE ENTITLED AN ACT TO CHANGE THE AGGRAVATING FACTOR RELATING TO HAVING A CHILD UNDER THE AGE OF TWELVE IN THE VEHICLE TO HAVING A CHILD UNDER SIXTEEN IN THE VEHICLE, 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.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1287, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE JUDICIAL DEPARTMENT IS A BRANCH OF GOVERNMENT THAT MAY HAVE ACCESS TO SOCIAL SECURITY INFORMATION SUBMITTED AS PART OF AN APPLICATION FOR A DRIVERS LICENSE AND KEPT ON FILE AT THE DIVISION OF MOTOR VEHICLES, 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 15090, which changes the title to read **S.B. 1287** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE OFFICE OF INDIGENT DEFENSE SERVICES OF THE JUDICIAL DEPARTMENT AND LOCAL HEALTH DEPARTMENTS MAY HAVE ACCESS TO SOCIAL SECURITY INFORMATION SUBMITTED AS PART OF AN APPLICATION FOR A DRIVERS LICENSE AND KEPT ON FILE AT THE DIVISION OF MOTOR VEHICLES, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the Calendar for Tuesday, May 22.

S.B. 1407, A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS FROM UNLAWFUL SALE OF ADMISSION TICKETS IN EXCESS OF THE PRINTED PRICE, 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. 1407** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS FROM UNLAWFUL SALE OF ADMISSION TICKETS IN EXCESS OF THE PRINTED PRICE AND TO PROHIBIT THE ACQUISITION OF MORE THAN THE ALLOWABLE MAXIMUM NUMBER OF TICKETS FOR RESALE, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 1408, A BILL TO BE ENTITLED AN ACT TO CLARIFY DISCIPLINARY AUTHORITY OF THE NORTH CAROLINA APPRAISAL BOARD UNDER THE NORTH CAROLINA APPRAISERS 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 65256, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the Calendar for Tuesday, May 22.

S.B. 1430, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL OFFENSES OF INJURING REAL PROPERTY AND INJURING PERSONAL 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 75415, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1491, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR SECOND DEGREE ARSON AND TO AMEND THE PENALTY FOR CERTAIN OFFENSES OF LARCENY,

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EMBEZZLEMENT, AND OBTAINING PROPERTY BY FALSE PRETENSES BY AMENDING THE VALUE RANGES TO WHICH THE CRIMINAL PENALTIES APPLY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65258, which changes the title to read **S.B. 1491** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE BLUNT WRAPS IN THE DEFINITION OF DRUG PARAPHERNALIA, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the Calendar for Tuesday, May 22.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 6:22 P.M.

SIXTY-SEVENTH DAY

Senate Chamber
Monday, May 21, 2007

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, this is crossover week in the Legislature. The Members will probably arrive at the end of each day feeling as if all they've done is give explanation for their actions. Help them this week. May they be able to live proactively, lives of affirmation and exclamation rather than explanation. As we seek your guidance, we ask that you take charge of our attitude so that someone else won't choose it for us. Believing that you will complete the good works that you have begun in us, we pray this prayer. Amen."

The Chair grants a leave of absence for tonight to Senator Hartsell.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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 privileges of the floor to Dr. Kevin O'Neal from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Gwen Waddell-Schultz from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1340, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SALE OF BLOCKS OF TEN TEN-DAY COASTAL RECREATIONAL FISHING LICENSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65257, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 1424, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PROHIBITING DOG FIGHTING AND BAITING TO ALLOW EARTHDOG TRIALS, 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, which changes the title to read **S.B. 1424** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW EARTHDOG TRIALS, is adopted and engrossed.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 396, A BILL TO BE ENTITLED AN ACT TO LIMIT THE RULES THAT MAY BE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT 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 55489, which changes the title to read **S.B. 396** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, is adopted and engrossed.

S.B. 1010, A BILL TO BE ENTITLED AN ACT TO CHANGE THE CAP FOR THE DISCOUNT RATE OF INTEREST USED TO DETERMINE THE NET AMOUNT PAYABLE FOR TRANSFERS OF STRUCTURED SETTLEMENT PAYMENT RIGHTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35381, which changes the title to read **S.B. 1010** (Committee Substitute), A BILL TO BE

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ENTITLED AN ACT TO AMEND THE DISCOUNT RATE OF INTEREST REGARDING STRUCTURED SETTLEMENT PAYMENTS, is adopted and engrossed.

S.B. 1351, A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE FRANCHISE LAWS AS THEY RELATE TO AUTOMOBILE DEALER WARRANTY OBLIGATIONS, CIVIL ACTIONS FOR VIOLATIONS, COERCION, AND INSTALLMENT SALES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35380, is adopted and engrossed.

S.B. 1507, A BILL TO BE ENTITLED AN ACT REQUIRING CITIES AND COUNTIES TO HAVE PROBABLE CAUSE BEFORE INSPECTING RESIDENTIAL AND NONRESIDENTIAL STRUCTURES AND REQUIRING OWNERS AND LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY IMMEDIATELY REPAIRING CERTAIN UNSAFE CONDITIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35378, which changes the title to read **S.B. 1507** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING CITIES AND COUNTIES TO HAVE PROBABLE CAUSE BEFORE INSPECTING RESIDENTIAL AND NONRESIDENTIAL STRUCTURES AND REQUIRING OWNERS AND LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY REPAIRING CERTAIN UNSAFE CONDITIONS, is adopted and engrossed.

S.B. 1513, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO PARTICIPATE IN FINANCING IMPROVEMENTS TO PUBLIC STREETS, HIGHWAYS, AND BRIDGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15091, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 151, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on February 14.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

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H.B. 1708 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE "SUBJECT TO" REAL ESTATE TRANSACTIONS, referred to the **Judiciary II Committee** on May 9.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 1041 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX DIVIDED PARCELS TO THE TOWN OF EARL, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 436, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A MORE EVEN BALANCE IN THE ELECTION CYCLE FOR THE CLEVELAND COUNTY BOARD OF EDUCATION.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 768 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF A STIPEND TO PUBLIC HEALTH AUTHORITY BOARDS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITY BOARDS TO ENTER INTO INSTALLMENT CONTRACTS, upon second reading.

The Chair grants a leave of absence for the remainder of tonight's session to Senator Preston.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake,

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Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Tuesday, May 22, upon third reading.

S.B. 514 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT BUSINESSES THAT SUPPLY PERISHABLE PRODUCTS FROM MISREPRESENTING THE GEOGRAPHICAL LOCATIONS OF THEIR BUSINESSES IN TELEPHONE DIRECTORIES, DIRECTORY ASSISTANCE DATABASES, ON THE INTERNET, AND IN PRINT ADVERTISEMENTS.

Senator Boseman offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 527 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BUSINESSES THAT SELL PRODUCTS OR SERVICES TO CONSUMERS PURSUANT TO CONTRACTS THAT AUTOMATICALLY RENEW UNLESS THE CONSUMERS CANCEL THE CONTRACTS TO DISCLOSE THE RENEWAL CLAUSES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 1026, AN ACT TO RESTORE THE LICENSEE'S BIRTHDAY AS THE EXPIRATION DATE OF A DRIVERS LICENSE FOR A PERSON EIGHTEEN YEARS OLD OR OLDER; TO CORRECT THE DESCRIPTION OF THE DOCUMENTS REQUIRED TO BE PRESENTED BY LEGAL NONIMMIGRANT APPLICANTS FOR A DRIVERS LICENSE TO ESTABLISH THAT THEY ARE LEGALLY PRESENT IN THE UNITED STATES AND HOW LONG THEY ARE AUTHORIZED TO STAY; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CANCEL A DRIVERS LICENSE ISSUED TO A LEGAL NONIMMIGRANT IF THAT PERSON IS NO LONGER AUTHORIZED UNDER FEDERAL LAW TO BE IN THE UNITED STATES, ALL AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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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. 343, AN ACT TO CLARIFY THAT LAW ENFORCEMENT OFFICERS OF COUNTIES SHALL INCLUDE OFFICERS OF CONSOLIDATED COUNTY-CITY LAW ENFORCEMENT AGENCIES. (Became law upon approval of the Governor, May 16, 2007 - S.L. 2007-45.)

S.B. 361, AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO TEMPORARILY WAIVE THE ENFORCEMENT OF NO-WAKE ZONES UNDER SPECIAL CIRCUMSTANCES. (Became law upon approval of the Governor, May 16, 2007 - S.L. 2007-46.)

H.B. 1185, AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN JOHNSTON COUNTY. (Became law upon ratification, May 17, 2007 - S.L. 2007-47.)

H.B. 443, AN ACT AUTHORIZING CHEROKEE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A JUSTICE CENTER. (Became law upon ratification, May 17, 2007 - S.L. 2007-48.)

H.B. 410, AN ACT TO PROVIDE FOR A MORE EVEN BALANCE IN THE ELECTION CYCLE FOR THE CLEVELAND COUNTY BOARD OF EDUCATION. (Became law upon ratification, May 17, 2007 - S.L. 2007-49.)

S.B. 386, AN ACT TO CONFIRM THAT WARREN COUNTY BOARD OF EDUCATION MEMBERS ARE TO BE ELECTED FROM TOWNSHIPS AS PROVIDED IN CHAPTER 335 OF THE PUBLIC-LOCAL LAWS OF 1937, AND TO PROVIDE THAT NEWLY ELECTED MEMBERS OF THAT BOARD TAKE OFFICE 30 DAYS AFTER CERTIFICATION OF THE ELECTION RESULTS. (Became law upon ratification, May 17, 2007 - S.L. 2007-50.)

S.B. 364, AN ACT TO AUTHORIZE THE TRAPPING AND SALE OF FOXES IN ASHE COUNTY. (Became law upon ratification, May 17, 2007 - S.L. 2007-51.)

S.B. 363, AN ACT TO AUTHORIZE THE TAKING OF RACCOONS BY TRAPPING IN ASHE COUNTY. (Became law upon ratification, May 17, 2007 - S.L. 2007-52.)

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CALENDAR *(continued)*

S.B. 720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN OPEN ENROLLMENT PERIOD IN THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE LEGISLATIVE RETIREMENT SYSTEM.

Upon the appearance of Senator Preston in the Chamber, the Chair acknowledges her presence and the leave of absence granted previously is withdrawn.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 942 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT LOCAL GOVERNMENTS FROM ENACTING ORDINANCES THAT WOULD RESTRICT DISTRIBUTION OF NEWSPAPERS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1019, A BILL TO BE ENTITLED AN ACT TO REQUIRE DOMESTIC CORPORATIONS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS TO MAINTAIN THE NAME OF THE INDIVIDUAL WHO IS THE CUSTODIAN OF RECORD; AND TO GIVE THE SECRETARY OF STATE THE AUTHORITY TO SERVE INTERROGATORIES ON LIMITED LIABILITY PARTNERSHIPS.

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, May 22.

S.B. 1032 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPOSE TIME LIMITATIONS ON OVERPAYMENT RECOVERY UNDER THE PROMPT CLAIM PAYMENTS STATUTE.

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. 1055 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REBATES TO BE MAILED TO CONSUMERS WITHIN A CERTAIN TIME FRAME AND TO REQUIRE THE DISCLOSURE OF THE TERMS OF THE REBATE OFFERS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1282, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF WILDLIFE PROTECTORS TO ENFORCE CRIMINAL LAWS NOT OTHERWISE WITHIN THEIR JURISDICTION WHILE ON DUTY.

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The bill passes its second reading (43-4).

Senator Pittenger objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, May 22, upon third reading.

S.B. 1286, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF MARINE FISHERIES INSPECTORS AND WILDLIFE PROTECTORS TO ENTER PRIVATE LANDS TO ENFORCE LAWS UNDER THEIR JURISDICTIONS.

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, May 23.

S.B. 1326 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CONSISTENCY IN WAIVER OF IMMUNITY BY LOCAL GOVERNMENT BY TREATING PARTICIPATION IN RISK POOLS AND TRUSTS FOR PAYMENT OF LIABILITY CLAIMS BY SCHOOL BOARDS LIKE PARTICIPATION IN OTHER GOVERNMENTAL RISK POOLS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 359, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 27.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

CALENDAR *(continued)*

S.B. 1359 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE OPERATOR OF A MOTORCYCLE TO PROCEED THROUGH AN INTERSECTION CONTROLLED BY A TRAFFIC SIGNAL ONLY IF THE TRAFFIC SIGNAL USES AN INDUCTIVE LOOP VEHICLE SENSOR THAT ACTIVATES THE TRAFFIC SIGNAL AND THE INDUCTIVE LOOP FAILS TO DETECT THE MOTORCYCLE AND ACTIVATE THE TRAFFIC SIGNAL.

Senator Allran offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill No. 2, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives.

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SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Sarah Anderson, Selma; Allison Bryant, Nebo; Sterling Cave, Cary; Abbie Christoph, Mebane; Diondra Cooper, Durham; Emily Creech, Smithfield; Nicki Creech, Selma; Shalon Hunter Monroe, Hickory; Madeline Jaekle, Greensboro; Jessie Jenkins, Raleigh; Seth Jenks, Clayton; Samantha Johnson, Marion; Kirstin Mann, Rocky Mount; Alexandria McLaurin, Fayetteville; Adam Walton, Charlotte; and Alyse Wike, Fayetteville.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet Tuesday, May 22, at 4:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 354 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE CONSTRUCTION, REPAIR, OR REINSTALLATION OF AILING SEWER INFRASTRUCTURE BY AUTHORIZING THE CITY OF WILMINGTON TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING SEWER, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, May 22, for concurrence.

H.B. 99 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REIMBURSEMENT OF EXPENSES TO A PREVAILING TAXPAYER IN AN ADMINISTRATIVE APPEAL OR A LAWSUIT IF THE STATE WAS NOT SUBSTANTIALLY JUSTIFIED IN MAINTAINING ITS POSITION AGAINST THE TAXPAYER.

Referred to the **Finance Committee**.

H.B. 183 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE ADDITIONAL TECHNOLOGY OR A MOBILE TELEPHONE TO ENGAGE IN A CALL WHILE OPERATING A PUBLIC OR PRIVATE SCHOOL BUS, WHILE OPERATING A SCHOOL ACTIVITY BUS, OR WHILE PROVIDING CONTRACTED TRANSPORTATION SERVICES FOR A PUBLIC OR PRIVATE SCHOOL IN ANY VEHICLE.

Referred to the **Judiciary II Committee**.

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H.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO PROVIDE FOR AN ADMINISTRATIVE INITIAL SCREENING OF REASSIGNMENT APPEALS.

Referred to the **Education/Public Instruction Committee**.

H.B. 550 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW PERTAINING TO THE CONFIDENTIALITY OF SCHOOL PERSONNEL FILES.

Referred to the **Judiciary II Committee**.

H.B. 749 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT EFFICIENCIES WITHIN THE UNIVERSITY SYSTEM AS RECOMMENDED BY THE PRESIDENT'S ADVISORY COMMITTEE ON EFFICIENCY AND EFFECTIVENESS (PACE).

Referred to the **Education/Higher Education Committee**.

H.B. 772 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUSPEND ADMISSIONS OR SERVICES IN HOSPITALS AS PART OF TAKING ADVERSE ACTION AGAINST A HOSPITAL'S LICENSE; TO ALLOW FOR THE WAIVER OF HOSPITAL LICENSURE RULES DURING AN EMERGENCY; TO ALLOW CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF LICENSED MENTAL HEALTH FACILITIES BY PRIVATE ENTITIES; TO MAKE TECHNICAL CORRECTIONS IN THE HEALTH CARE PERSONNEL REGISTRY STATUTES; TO REQUIRE FINES TO BE PAID PRIOR TO TRANSFER OF OWNERSHIP OF ADULT CARE HOMES; AND TO CHANGE TIME FRAMES OF INVESTIGATIONS OF ADULT CARE HOMES.

Referred to the **Judiciary I Committee**.

H.B. 773, A BILL TO BE ENTITLED AN ACT TO PROTECT MEMBERS OF THE UNITED STATES ARMED FORCES FROM DISHONEST AND PREDATORY LIFE INSURANCE AND ANNUITY SALES PRACTICES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 995, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR THE INTENTIONAL STARVATION OF AN ANIMAL.

Referred to the **Judiciary II Committee**.

H.B. 1138 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR UNION COUNTY PUBLIC SCHOOLS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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H.B. 1153, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH.

Referred to the **Finance Committee**.

H.B. 1243 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A PROCEDURE BY WHICH DETERMINATION IS MADE TO RESTRAIN JUVENILES IN THE COURTROOM.

Referred to the **Judiciary II Committee**.

H.B. 1338 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ELECTRICAL CONTRACTORS BOARD TO RAISE THE PROJECT VALUE LIMITS FOR LICENSE CLASSIFICATIONS UNDER THE LAWS REGULATING ELECTRICAL CONTRACTORS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1346 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TYPES OF CONTRACTS THE DIVISION OF MOTOR VEHICLES MAY ENTER INTO FOR THE PURPOSES OF ISSUING LICENSE PLATES THROUGH PRIVATE OR LOCAL GOVERNMENT ENTITIES.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1370, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE HIGH-UNIT-COST THRESHOLD DOES NOT APPLY TO PLANNING GRANTS AND TECHNICAL ASSISTANCE GRANTS MADE BY THE CLEAN WATER MANAGEMENT TRUST FUND FOR WASTEWATER COLLECTION SYSTEMS AND WASTEWATER TREATMENT WORKS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1372 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE REVISED UNIFORM ANATOMICAL GIFT ACT; TO PROVIDE THAT THE DECISION TO HAVE THE HEART SYMBOL ON ONE'S DRIVERS LICENSE IS LEGALLY SUFFICIENT CONSENT TO ORGAN AND TISSUE DONATION UNLESS REVOKED BY THE DONOR; TO IMPROVE DONOR OR PROSPECTIVE DONOR ONLINE ACCESS TO INDICATE OR REVOKE ORGAN AND TISSUE DONATION; AND TO MAKE CONFORMING CHANGES TO OTHER AFFECTED GENERAL STATUTES.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Judiciary II Committee**.

H.B. 1374 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO OVERTURN THE SHEPARD CASE AND AMEND THE LIMITATION REGARDING ACTIONS TO RECOVER FOR USURY; TO OVERTURN

THE SKINNER CASE AND AMEND THE LONG-ARM STATUTE TO ALLOW NORTH CAROLINA COURTS TO EXERCISE PERSONAL JURISDICTION OVER CERTAIN NONRESIDENT DEFENDANTS; TO REQUIRE THAT A NOTICE OF FORECLOSURE CONTAIN CERTAIN INFORMATION; AND TO MAKE OTHER AMENDMENTS TO THE LAW GOVERNING HOME LOANS.

Referred to the **Judiciary I Committee**.

H.B. 1459 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO STUDY THE PROCEDURES OF LOCAL LAW ENFORCEMENT AND HEALTH CARE FACILITIES WHEN PERSONS WITH DEMENTIA OR OTHER COGNITIVE IMPAIRMENTS ARE REPORTED MISSING AND TO RECOMMEND WAYS TO COORDINATE AND IMPROVE SEARCH EFFORTS WHEN PERSONS WITH DEMENTIA OR OTHER COGNITIVE IMPAIRMENTS ARE REPORTED MISSING.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1492 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF ANESTHESIOLOGIST ASSISTANTS.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1555, A BILL TO BE ENTITLED AN ACT PROVIDING FOUR-YEAR TERMS FOR ALL APPOINTMENTS TO THE PROPERTY TAX COMMISSION.

Referred to the **State & Local Government Committee**.

H.B. 1626 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CUSTODIAL INTERROGATION IN A HOMICIDE CASE MUST BE ELECTRONICALLY RECORDED IN ITS ENTIRETY.

Referred to the **Judiciary I Committee**.

H.B. 1646, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTIES FOR VIOLATIONS OF LAWS TO PROTECT AIR QUALITY.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1679, A BILL TO BE ENTITLED AN ACT ALLOWING JOINT MUNICIPAL ASSISTANCE AGENCIES TO MAKE AND EXECUTE CONTRACTS FOR PERIODS GREATER THAN THREE YEARS TO ACHIEVE ECONOMY, ADEQUACY, AND RELIABILITY.

Referred to the **Judiciary I Committee**.

H.B. 1724 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE

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STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, TO REDESIGNATE ELK KNOB STATE NATURAL AREA AS ELK KNOB STATE PARK, AND TO REDESIGNATE DISMAL SWAMP STATE NATURAL AREA AS DISMAL SWAMP STATE PARK.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 1743 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ACCEPT ABSENTEE BALLOTS THAT ARRIVE BY FIVE O'CLOCK P.M. ON ELECTION DAY; TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE, ENTERING, OR EXITING THE VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; AND TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR SOFTWARE WARRANTIES.

Referred to the **Select Committee on Government and Election Reform**.

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H.B. 1817 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS REGARDING COVERED LOANS AND TO INCREASE THE COMMISSIONER'S DISCIPLINARY AUTHORITY OVER LICENSEES UNDER THE MORTGAGE LENDING ACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.J.R. 1976, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ROBERT P. GRUBER AS EXECUTIVE DIRECTOR OF THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1876, A JOINT RESOLUTION HONORING HILLSBOROUGH HOG DAY ON ITS TWENTY-FIFTH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:12 P.M.

SIXTY-EIGHTH DAY

Senate Chamber
Tuesday, May 22, 2007

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 Brazeal, Associate Pastor, Harvest Christian Fellowship, Riverside, California as follows:

"Dear Heavenly Father, I pray now for the North Carolina Senate. Lord, you told us in your Word that if any of us lacks wisdom we can ask you and you will give it freely. So Lord today we come to you asking for your wisdom, wisdom to make difficult decisions, to have clarity and to lead with conviction, seasoned with compassion. I pray that each one here today would sense your hand of

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protection upon them and their family. I pray now for your hand of blessing to be upon them and their leadership. May they always feel comfortable coming to you Heavenly Father for direction, whether in times of prosperity or in times of testing. I pray also for your blessing upon this great State of North Carolina, to be a model to our Nation, a model of strong family, a model of strong moral fiber, and a model of strong faith. And now according to your word, I ask all these things in Jesus' name. Amen."

The Chair grants a leave of absence for today to Senator Jacumin.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, May 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Shirish Devasthali from Fayetteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Camella Marcom from Wake Forest, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1041, AN ACT TO ANNEX DIVIDED PARCELS TO THE TOWN OF EARL.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 855, A BILL TO BE ENTITLED AN ACT TO EXEMPT PRIVATE INVESTIGATORS LICENSED BY THE PRIVATE PROTECTIVE SERVICES BOARD OF THE DEPARTMENT OF JUSTICE FROM THE WINDOW TINTING REQUIREMENTS OF CHAPTER 20 OF THE GENERAL STATUTES, with a favorable report.

S.B. 1432, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR A MEANINGFUL CHALLENGE TO AN ADMINISTRATIVE SUBPOENA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35383, is adopted and engrossed.

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By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1365, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FUNDS IN THE WILDLIFE CONSERVATION ACCOUNT SHALL REMAIN AVAILABLE UNTIL EXPENDED, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1466 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES RELATING TO HEALTH AND SAFETY TO THE MIGRANT HOUSING ACT OF NORTH CAROLINA AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS, with a favorable report.

S.B. 599, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OCEAN ISLE BEACH SHORE PROTECTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75416, which changes the title to read **S.B. 599** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO IMPLEMENT A PILOT PROJECT TO STUDY THE USE OF TERMINAL GROINS FOR OCEAN INLET STABILIZATION, is adopted and engrossed.

Upon adoption of the Committee Substitute, the bill becomes a public bill.

S.B. 1303, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ONE-DAY, ONE-DOLLAR HERITAGE TROUT WATERS LICENSES AS A MEANS OF PROMOTING HERITAGE TOURISM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35384, which changes the title to read **S.B. 1303** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ADOPT RULES TO ESTABLISH AND IMPLEMENT A MOUNTAIN HERITAGE TROUT WATERS PROGRAM, is adopted and engrossed.

S.B. 1464, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE MANAGEMENT OF WILDLIFE RESOURCES BY AUTHORIZING THE WILDLIFE RESOURCES COMMISSION TO RESPOND TO DISEASE THREATS; ALLOWING THE TAKING OF COYOTE AT NIGHT WITH THE USE OF ARTIFICIAL LIGHTS AND THE TRACKING AND DISPATCH OF WOUNDED DEER AFTER LEGAL HUNTING HOURS; ALLOWING THE TAKING OF BEAVER WITH BOW AND ARROW; TRANSFERRING THE DEER MANAGEMENT

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ASSISTANCE PROGRAM TO THE WILDLIFE RESOURCES COMMISSION; PROVIDING FOR THE SAFETY OF BOW HUNTERS DURING FIREARMS SEASON; AND PROHIBITING THE FEEDING OF ALLIGATORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15092, which changes the title to read **S.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILDLIFE RESOURCES MANAGEMENT LAWS BY AUTHORIZING THE WILDLIFE RESOURCES COMMISSION TO RESPOND TO DISEASE THREATS; BY ALLOWING THE TAKING OF BEAVER WITH BOW AND ARROW; BY AMENDING CERTAIN LAWS GOVERNING THE TAKING OF DEER; BY PROVIDING FOR THE SAFETY OF BOW HUNTERS DURING FIREARMS SEASON; AND BY PROHIBITING THE FEEDING OF ALLIGATORS, is adopted and engrossed.

S.B. 79 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEER SEASONS AND REMOVE BAG LIMITS ON ANTLERLESS DEER IN ORDER TO REDUCE THE DEER POPULATION IN THE STATE, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 65259, which changes the title to read **S.B. 79** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE HUNTERS FOR THE HUNGRY PROGRAM, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill No. 2 is referred to the **Appropriations/Base Budget Committee**.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 900, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF RECOUPMENT SURCHARGE ON AUTOMOBILE LIABILITY INSURANCE POLICIES, with a favorable report.

S.B. 670, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS, COVENANTS, AND OTHER SIMILAR AGREEMENTS CANNOT PROHIBIT OR HAVE THE EFFECT OF PROHIBITING THE INSTALLATION OF ENERGY DEVICES THAT ARE BASED ON THE USE OF RENEWABLE RESOURCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35385, which changes the title to read **S.B. 670** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS, COVENANTS, AND OTHER

SIMILAR AGREEMENTS CANNOT PROHIBIT OR HAVE THE EFFECT OF PROHIBITING THE INSTALLATION OF SOLAR COLLECTORS NOT FACING PUBLIC ACCESS OR COMMON AREAS ON DETACHED SINGLE-FAMILY RESIDENCES, is adopted and engrossed.

S.B. 747, A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR BUILDER DESIGNATIONS UNDER THE LAWS PERTAINING TO GENERAL CONTRACTORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55496, is adopted and engrossed.

S.B. 948, A BILL TO BE ENTITLED AN ACT TO PROMOTE SMALL DAIRY SUSTAINABILITY BY ALLOWING CONSUMERS TO CONTRACT WITH LOCAL FARMERS TO PURCHASE FRESH MILK, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75413, which changes the title to read **S.B. 948** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE SMALL DAIRY SUSTAINABILITY BY ALLOWING CONSUMERS TO CONTRACT WITH LOCAL FARMERS TO BECOME PARTIAL OR COMPLETE OWNERS OF DAIRY ANIMALS OR SMALL HERDS OF DAIRY ANIMALS, 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. 1808, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM DALLAS HERRING, FORMER CHAIR OF THE STATE BOARD OF EDUCATION.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

The joint resolution passes its second reading (47-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Albertson, the Chair extends the courtesies of the gallery to the following family and friends of Dallas Herring: Annie Louise Ward, sister; Clayton Herring, brother; Nettie Herring, sister-in-law; Robert "Bob" Herring, brother; Ann Herring, sister-in-law; and Mr. Fred Williams, Executive Vice President of the North Carolina Community College System.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 301, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDS OF A CIVIL REVOCATION OF DRIVERS LICENSES SHALL BE EXPUNGED FROM AN INDIVIDUAL'S DRIVING RECORD IF THE UNDERLYING CRIMINAL CHARGE IS EXPUNGED PURSUANT TO ARTICLE 5 OF CHAPTER 15A OF THE GENERAL STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85321, is adopted and engrossed.

S.B. 586, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE TORT CLAIM LIMIT, 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.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1077, A BILL TO BE ENTITLED AN ACT TO REGULATE CERTAIN JUVENILE DISCOVERY ORDERS, 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, which changes the title to read **S.B. 1077** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE CERTAIN JUVENILE DISCOVERY ORDERS WITH RESPECT TO ABUSE, NEGLECT, AND DEPENDENCY PETITIONS, is adopted and engrossed.

S.B. 1259, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROVIDER OF WATER SERVICES WHO SATISFIES THE STANDARDS OF THE NORTH CAROLINA DRINKING WATER ACT IS NOT AN INSURER OF THE QUALITY OF WATER PROVIDED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35377, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 354 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE CONSTRUCTION, REPAIR, OR REINSTALLATION OF AILING SEWER INFRASTRUCTURE BY AUTHORIZING THE CITY OF WILMINGTON TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING SEWER, for

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concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Boseman, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 768 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF A STIPEND TO PUBLIC HEALTH AUTHORITY BOARDS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITY BOARDS TO ENTER INTO INSTALLMENT CONTRACTS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

The Committee Substitute bill passes its second reading (42-7).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, May 23, upon third reading.

S.B. 1010 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DISCOUNT RATE OF INTEREST REGARDING STRUCTURED SETTLEMENT PAYMENTS.

Upon motion of Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 23.

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WITHDRAWAL FROM COMMITTEE

S.B. 1512, 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; TO CREATE THE NORTH CAROLINA HEALTH INSURANCE RISK POOL TO HELP MEET THE HEALTH INSURANCE COVERAGE NEEDS OF INDIVIDUALS WHO CANNOT OBTAIN AFFORDABLE HEALTH INSURANCE BECAUSE OF HIGH-RISK HEALTH CONDITIONS; AND TO APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF THIS ACT, referred to the **Appropriations/Base Budget Committee** on March 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Commerce, Small Business and Entrepreneurship Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Commerce, Small Business and Entrepreneurship Committee**.

S.B. 373, A BILL TO BE ENTITLED AN ACT RELATING TO THE 19TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce, Small Business and Entrepreneurship Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Commerce, Small Business and Entrepreneurship Committee**.

S.J.R. 1563, A JOINT RESOLUTION HONORING 2006 NASCAR NEXTEL CUP CHAMPION JIMMIE JOHNSON, referred to the **Rules and Operations of the Senate Committee** on May 15.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, May 23, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, May 23.

S.B. 988, A BILL TO BE ENTITLED AN ACT TO DEVELOP A STATE PORTAL TO VERIFY WORK ELIGIBILITY, TO REQUIRE A PAYER TO WITHHOLD STATE TAXES FROM COMPENSATION PAID TO AN

UNAUTHORIZED ALIEN, AND TO MAKE FAILURE OF A PAYER TO WITHHOLD THE TAX DUE FROM AN ILLEGAL IMMIGRANT A FELONY, referred to the **Judiciary II Committee** on March 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

S.B. 1513 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO PARTICIPATE IN FINANCING IMPROVEMENTS TO PUBLIC STREETS, HIGHWAYS, AND BRIDGES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 924 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELEMENT MAKING PASSING A STOPPED SCHOOL BUS AND STRIKING A PERSON A FELONY FROM REQUIRING "SERIOUS BODILY INJURY" AND REMOVING THE REQUIREMENT OF SIGNAGE BEING AT LEAST EIGHT INCHES FROM THE DEFINITION OF SCHOOL BUS TO CORRESPOND TO THE CHANGES MADE TO G.S. 20-217 IN THE 2005 SESSION AND REQUIRING THAT SCHOOL BUSES BE PAINTED YELLOW.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1019, A BILL TO BE ENTITLED AN ACT TO REQUIRE DOMESTIC CORPORATIONS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS TO MAINTAIN THE NAME OF THE INDIVIDUAL WHO IS THE CUSTODIAN OF RECORD; AND TO GIVE THE SECRETARY OF STATE THE AUTHORITY TO SERVE INTERROGATORIES ON LIMITED LIABILITY PARTNERSHIPS.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE STATUS OF LOCAL ENTITY EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT.

The Committee Substitute bill passes its second reading (49-0).

Senator Stevens objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, May 23, upon third reading.

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S.B. 1287 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE OFFICE OF INDIGENT DEFENSE SERVICES OF THE JUDICIAL DEPARTMENT AND LOCAL HEALTH DEPARTMENTS MAY HAVE ACCESS TO SOCIAL SECURITY INFORMATION SUBMITTED AS PART OF AN APPLICATION FOR A DRIVERS LICENSE AND KEPT ON FILE AT THE DIVISION OF MOTOR VEHICLES.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1351 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE FRANCHISE LAWS AS THEY RELATE TO AUTOMOBILE DEALER WARRANTY OBLIGATIONS, CIVIL ACTIONS FOR VIOLATIONS, COERCION, AND INSTALLMENT SALES.

Without objection, Senator Brown requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second reading (47-1).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, May 23, upon third reading.

S.B. 1408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY DISCIPLINARY AUTHORITY OF THE NORTH CAROLINA APPRAISAL BOARD UNDER THE NORTH CAROLINA APPRAISERS ACT.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1424 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW EARTHDOG TRIALS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 1383 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED OR LEASES OR MANAGES LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD BE DETRIMENTAL TO THE CYCLIST, OTHER INDIVIDUALS, OR THE ENVIRONMENT, re-referred to the **Appropriations/Base Budget Committee** on May 10.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee**

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and placed on the Calendar for Wednesday, May 23, 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, May 23.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1565, A JOINT RESOLUTION HONORING NORTH CAROLINA'S MILITARY AND VETERANS AND HONORING THE MEMORY OF THE MEN AND WOMEN WHO LOST THEIR LIVES WHILE SERVING IN THE MILITARY.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for Wednesday, May 23.

CALENDAR *(continued)*

S.B. 1491 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE BLUNT WRAPS IN THE DEFINITION OF DRUG PARAPHERNALIA.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1507 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING CITIES AND COUNTIES TO HAVE PROBABLE CAUSE BEFORE INSPECTING RESIDENTIAL AND NONRESIDENTIAL STRUCTURES AND REQUIRING OWNERS AND LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY REPAIRING CERTAIN UNSAFE CONDITIONS.

Senator Berger of Franklin offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading (48-1).

Senator Smith objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, May 23, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 685, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SIGNATURE OF THE PATIENT OR THE PATIENT'S PARENT,

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GUARDIAN, OR REPRESENTATIVE ON "DO NOT RESUSCITATE" ORDER FORMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35386, which changes the title to read **S.B. 685** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY REQUIRING THE SIGNATURE OF THE PATIENT'S PARENT, GUARDIAN, OR REPRESENTATIVE ON "DO NOT RESUSCITATE" ORDER FORMS, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 1282, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF WILDLIFE PROTECTORS TO ENFORCE CRIMINAL LAWS NOT OTHERWISE WITHIN THEIR JURISDICTION WHILE ON DUTY.

The bill passes its third reading (46-3) and is ordered sent to the House of Representatives.

ADDITIONAL SPONSOR

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 942, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENT AUTHORITY TO PLACE SIGNAGE, FOR A LOCAL PUBLIC PURPOSE, IN THE RIGHT-OF-WAY OF AN INTERSTATE HIGHWAY OR PRIMARY STATE HIGHWAY.

S.B. 1055, A BILL TO BE ENTITLED AN ACT TO REQUIRE REBATES TO BE MAILED TO CONSUMERS WITHIN A CERTAIN TIME FRAME AND TO REQUIRE THE DISCLOSURE OF THE TERMS OF THE REBATE OFFERS.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet Wednesday, May 23, at 1:45 P.M.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

S.B. 371, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COMMERCIAL USE OF LIKENESSES OF ANY SEAL OR COAT OF ARMS OF THE SENATE, with a favorable report.

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S.B. 1541, A BILL TO BE ENTITLED AN ACT REGARDING THE DISPOSITION OF THE DOROTHEA DIX HOSPITAL 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 85322, which changes the title to read **S.B. 1541** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE FUTURE USE OF THE DOROTHEA DIX HOSPITAL PROPERTY CAMPUS AND SUPPORT FOR MENTAL HEALTH SERVICES, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 244 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE EQUITY BETWEEN THE PARTIES WITH RESPECT TO JUROR CHALLENGES IN CIVIL CASES.

Referred to the **Judiciary I Committee**.

H.B. 610, A BILL TO BE ENTITLED AN ACT TO SET THE NUMBER OF DESIGN-BUILD CONSTRUCTION CONTRACTS THAT MAY BE AWARDED BY THE DEPARTMENT OF TRANSPORTATION AT TWENTY-FIVE CONTRACTS EACH FISCAL YEAR.

Referred to the **Judiciary I Committee**.

H.B. 627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE FIRST COMMITMENT PILOT PROGRAM, TO FURTHER CLARIFY LME CORE FUNCTIONS, AND TO ALLOW ADDITIONAL TIME FOR AN LME TO MERGE WHEN IT HAS GONE BELOW THE TWO HUNDRED THOUSAND POPULATION OR SIX COUNTY THRESHOLD DUE TO A CHANGE IN COUNTY MEMBERSHIP AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; AND TO ALLOW AREA AUTHORITIES WITH EIGHT OR MORE COUNTIES TO HAVE UP TO THIRTY MEMBERS ON THE BOARD.

Referred to the **Health Care Committee**.

H.B. 642 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW RELATING TO COMMUNITY COLLEGE PERFORMANCE STANDARDS.

Referred to the **Education/Higher Education Committee**.

H.B. 695 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND AGENCIES COVERED BY THE STATE GOVERNMENT INTERNSHIP PROGRAM.

Referred to the **State & Local Government Committee**.

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H.B. 729 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS NONFLEET PRIVATE PASSENGER MOTOR VEHICLE INSURANCE RATE EVASION FRAUD AND TO AUTHORIZE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE ISSUES RELATED TO AUTOMOBILE INSURANCE RATE EVASION.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 893, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 947 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THAT A NOTICE OF SALE IN FORECLOSURE PROCEEDINGS BE SENT TO ANY TENANT RESIDING IN THE PROPERTY TO BE SOLD AND ALLOWING THE TENANT AFTER RECEIVING THE NOTICE TO TERMINATE THE RENTAL AGREEMENT UPON TEN DAYS' WRITTEN NOTICE TO THE LANDLORD.

Referred to the **Judiciary II Committee**.

H.B. 1005 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BONDS FOR CONTRACTS ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMISSION CONTRACTORS WHO OPERATE LICENSE PLATE AGENCIES.

The Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk pending referral.

H.B. 1065 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE GOVERNMENT ETHICS ACT BY EXCLUDING FEDERAL GOVERNMENT RETIREMENT AND SOCIAL SECURITY INCOME FROM THE SOURCES OF INCOME THAT MUST BE DISCLOSED ON A STATEMENT OF ECONOMIC INTEREST FORM, AS RECOMMENDED BY THE HOUSE COMMITTEE ON ETHICS.

Referred to the **Select Committee on Government and Election Reform**.

H.B. 1110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE STATE GOVERNMENT ETHICS ACT AND THE LEGISLATIVE ETHICS ACT BY CHANGING IMMEDIATE HOUSEHOLD TO IMMEDIATE FAMILY IN THE STATUTE DEALING WITH DISCLOSURE OF CONFIDENTIAL INFORMATION, DELETING AND RECODIFYING THE SECTION REQUIRING PRIVATE AND PUBLIC ENTERPRISES TO BE LISTED ON A STATEMENT OF ECONOMIC INTEREST FORM, REMOVING JUDICIAL OFFICERS FROM

A GIFT BAN EXCEPTION AND MAKING A TECHNICAL CHANGE TO THE GIFT BAN EXCEPTION DEALING WITH EDUCATIONAL MEETINGS FOR PUBLIC SERVANTS, AND ADDING THE TERM "LEGISLATIVE EMPLOYEE" IN THE SECTION DEALING WITH EMPLOYMENT AND SUPERVISION OF MEMBERS OF A LEGISLATIVE EMPLOYEE'S EXTENDED FAMILY, AS RECOMMENDED BY THE HOUSE COMMITTEE ON ETHICS.

Referred to the **Select Committee on Government and Election Reform**.

H.B. 1111 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT ETHICS ACT BY ADDING LIAISON PERSONNEL TO THE DEFINITION OF GIFT; BY CLARIFYING THAT GIFTS FROM EXTENDED FAMILY MEMBERS DO NOT NEED TO BE REPORTED UNDER THE LOBBYING LAW; AND BY CLARIFYING THAT BENEFITS TO NONPROFITS WITH WHICH ASSOCIATED AS MEMBERS OF A GENERAL CLASS ARE NOT PROHIBITED AS A CONFLICT OF INTEREST, AS RECOMMENDED BY THE HOUSE COMMITTEE ON ETHICS.

Referred to the **Select Committee on Government and Election Reform**.

H.B. 1277 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REVOCATION OF THE DRIVERS LICENSE OF ANY PERSON CONVICTED OF GIVING ALCOHOLIC BEVERAGES TO, OR AIDING AND ABETTING THE PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES BY, AN UNDERAGE PERSON AND TO ALLOW FOR A LIMITED DRIVING PRIVILEGE.

Referred to the **Judiciary II Committee**.

H.B. 1412, A BILL TO BE ENTITLED AN ACT TO CLARIFY VETERANS PREFERENCE WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS.

Referred to the **State & Local Government Committee**.

H.B. 1413 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE DESIGNATED APPOINTMENT OF A VETERAN OF THE ARMED FORCES TO THE STATE PERSONNEL COMMISSION.

Referred to the **State & Local Government Committee**.

H.B. 1562 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE LEAVING AN UNATTENDED CHILD IN A MOTOR VEHICLE UNLAWFUL.

Referred to the **Judiciary I Committee**.

H.B. 1649, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF VOTING MEMBERS ON THE GOVERNOR'S CRIME COMMISSION FROM THIRTY-SIX TO THIRTY-EIGHT.

Referred to the **State & Local Government Committee**.

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H.B. 1671 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ARBITRATION FOR CAUSES OF ACTION FOR PERSONAL INJURY OR WRONGFUL DEATH BASED ON ALLEGED PROFESSIONAL NEGLIGENCE IN THE PROVISION OF HEALTH CARE, UPON THE AGREEMENT OF ALL PARTIES TO AN ACTION.

Referred to the **Judiciary I Committee**.

H.B. 1718 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CERTAIN CITIES TO ENACT FAIR HOUSING ORDINANCES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1758 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING THE REMOVAL OF MERCURY SWITCHES FROM VEHICLES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 925, A BILL TO BE ENTITLED AN ACT TO CREATE A TRANSFER ON DEATH PROVISION FOR MOTOR VEHICLES TITLED IN NORTH CAROLINA TO ALLOW BENEFICIARIES TO TAKE TITLE OF THE MOTOR VEHICLE UPON THE DEATH OF AN OWNER OR OWNERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35387, which changes the title to read **S.B. 925** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ALLOWING IMPROPER EQUIPMENT AS A LESSER INCLUDED OFFENSE OF SPEEDING AND TO PRECLUDE A PRAYER FOR JUDGMENT CONTINUED AS A DISPOSITION WHERE A DRIVER EXCEEDS THE POSTED SPEED LIMIT BY MORE THAN THIRTY MILES PER HOUR, is adopted and engrossed.

S.B. 1009, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATE IS NOT REQUIRED TO DISCLOSE THE IDENTITY OF A CONFIDENTIAL INFORMANT IN A CRIMINAL CASE UNLESS DISCLOSURE IS OTHERWISE REQUIRED BY LAW, AND TO PROTECT THE WORK PRODUCT OF PROSECUTORS, 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 55494, which changes the title to read **S.B. 1009** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A WITNESS'S ORAL STATEMENTS TO A PROSECUTING ATTORNEY DO NOT NEED TO BE RECORDED UNLESS THE STATEMENT CONTAINS SIGNIFICANTLY NEW OR DIFFERENT INFORMATION FROM A PRIOR STATEMENT AND TO PROVIDE WHAT TYPE OF WITNESS IDENTIFICATION INFORMATION MUST BE DISCLOSED TO THE DEFENDANT, is adopted and engrossed.

By Senator Clodfelter for the **Select Committee on Government and Election Reform**:

S.B. 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT, with a favorable report.

S.B. 532, 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, 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, is adopted and engrossed.

S.B. 1260, A BILL TO BE ENTITLED AN ACT TO REGULATE POLITICAL ORGANIZATIONS AS DEFINED BY SECTION 527 OF THE INTERNAL REVENUE CODE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15094, which changes the title to read **S.B. 1260** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE YEAR-ROUND REPORTING OF CANDIDATE-SPECIFIC COMMUNICATIONS BY "POLITICAL ORGANIZATIONS" AS DEFINED UNDER SECTION 527 OF THE INTERNAL REVENUE CODE; AND TO MAKE TECHNICAL CHANGES TO THE CANDIDATE-SPECIFIC COMMUNICATIONS LAW, is adopted and engrossed.

S.B. 1363, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNOR MAY SUSPEND A DISTRICT ATTORNEY IN CERTAIN CIRCUMSTANCES WHEN A FORMAL COMPLAINT ALLEGING MISCONDUCT OF THE DISTRICT ATTORNEY IS FILED WITH THE NORTH CAROLINA STATE BAR, 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 85324, which changes the title to read **S.B. 1363** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF DISTRICT ATTORNEYS; AND TO PROVIDE THAT ANY CANDIDATE WHO RECEIVES A MAJORITY OF THE VOTE IN A NONPARTISAN PRIMARY FOR A DISTRICT ATTORNEY OR JUDICIAL SEAT IS THE SOLE NOMINEE AND WILL APPEAR AS THE SOLE CANDIDATE ON THE FINAL ELECTION BALLOT, SUBJECT ONLY TO WRITE-IN OPPOSITION, is adopted and engrossed.

S.B. 1481, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT RANDOM AUDITS OF CAMPAIGN REPORTS; TO PROVIDE FOR CIVIL PENALTIES FOR WILLFUL CONCEALMENT THROUGH LATE FILING; AND TO MAKE A TECHNICAL CORRECTION TO THE CRIMINAL PENALTY FOR KNOWINGLY SIGNING A FALSE CAMPAIGN REPORT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75417, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 8, A BILL TO BE ENTITLED AN ACT TO INCREASE THE "SAFE ZONES" NEAR CHILD CARE CENTERS AND SCHOOL GROUNDS REGARDING ILLEGAL DRUG SALES FROM THREE HUNDRED FEET TO ONE THOUSAND FEET, TO EXPAND THE "SAFE ZONE" FOR PUBLIC PARKS TO INCLUDE ALL PUBLIC PARKS, NOT JUST THOSE WITH PLAYGROUNDS AND TO INCREASE THE DISTANCE OF THOSE SAFE ZONES TO ONE THOUSAND FEET, TO INCREASE THE PENALTIES FOR CARRYING A DEADLY WEAPON ON EDUCATIONAL PROPERTY, AND TO MAKE IT A CRIMINAL OFFENSE TO POSSESS OR CARRY A GUN, RIFLE, OR PISTOL IN A PUBLIC PARK, IN ANY CHILD CARE CENTER, OR ON ANY PLAYGROUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55501, which changes the title to read **S.B. 8** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE "SAFE ZONES" NEAR CHILD CARE CENTERS AND SCHOOL GROUNDS REGARDING ILLEGAL DRUG SALES FROM THREE HUNDRED FEET TO ONE THOUSAND FEET, AND TO EXPAND THE "SAFE ZONE" FOR PUBLIC PARKS TO INCLUDE ALL PUBLIC PARKS, NOT JUST THOSE WITH PLAYGROUNDS, AND TO INCREASE THE DISTANCE OF THOSE SAFE ZONES TO ONE THOUSAND FEET, is adopted and engrossed.

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S.B. 17, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN CHILD PORNOGRAPHY LAWS BY AMENDING THE DEFINITION OF SEXUAL ACTIVITY AND EXPANDING THE SCOPE OF CERTAIN PORNOGRAPHY LAWS, INCREASING THE PENALTY FOR FIRST, SECOND, AND THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, INCREASING THE PENALTY FOR SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT, AND INCREASING THE PENALTY FOR A SECOND OR SUBSEQUENT OFFENSE OF TAKING INDECENT LIBERTIES WITH CHILDREN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55500, which changes the title to read **S.B. 17** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRETRIAL RELEASE REQUIREMENTS FOR SEX OFFENDERS, is adopted and engrossed.

S.B. 212, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING APPEALS OF QUASI-JUDICIAL DECISIONS MADE UNDER ARTICLE 19 OF CHAPTER 160A AND ARTICLE 18 OF CHAPTER 153A OF THE GENERAL STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35388, which changes the title to read **S.B. 212** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING APPEALS OF QUASI-JUDICIAL DECISIONS MADE UNDER ARTICLE 19 OF CHAPTER 160A AND ARTICLE 18 OF CHAPTER 153A OF THE GENERAL STATUTES, is adopted and engrossed.

S.B. 1130, A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT AND PROSECUTORIAL AGENCIES IN THE OPEN DISCOVERY PROCESS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55503, which changes the title to read **S.B. 1130** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT, is adopted and engrossed.

S.B. 1271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PAYROLL DEDUCTIONS FOR CERTAIN EMPLOYEE ASSOCIATIONS, 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, 55502, is adopted and engrossed.

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Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:35 P.M.

SIXTY-NINTH DAY

Senate Chamber
Wednesday, May 23, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Al Gilbert, Calvary Baptist Church, Winston-Salem, North Carolina as follows:

"Eternal God and Father, as these lawmakers gather to do the business of this day, we ask you to give them your counsel and wisdom in all they do. We are thankful for the sacrifice these Senators make to serve the people of our State, so we ask for your blessings on their lives and their families. As we approach this Memorial Day weekend, we will not forget the cost of freedom. We acknowledge our indebtedness to our brothers and sisters who are now serving in the military around the world and we remember those who have made the ultimate sacrifice in serving our Nation. Because you have created us with rich diversity, we pray that the deliberations and decorum in this hall will continue to be an example of how to treat one another with dignity and mutual respect. Committing this day to you, we acknowledge that you are the God of Abraham, the God of Isaac, and the God of Ishmael. As for me, I acknowledge that you are the God of my Lord and Savior Jesus Christ and I ask these blessings in his name. Amen."

The Chair grants leaves of absence for today to Senator Basnight and Senator Blake.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, 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 privileges of the floor to Dr. Richard Bruch from Durham, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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By Senator Hartsell for the **Judiciary II Committee**:

S.B. 1399, A BILL TO BE ENTITLED AN ACT TO MAKE USING A MOBILE PHONE UNLAWFUL WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY, 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, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 532 (Committee Substitute), 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.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Finance Committee**:

S.B. 1472, A BILL TO BE ENTITLED AN ACT TO AMEND THE DISTRIBUTION OF THE PROCEEDS OF THE SCRAP TIRE DISPOSAL TAX TO INCREASE FUNDS ALLOCATED TO COUNTIES FOR THE DISPOSAL OF SCRAP TIRES, TO INCREASE FUNDS ALLOCATED TO THE SOLID WASTE MANAGEMENT TRUST FUND, AND TO DECREASE FUNDS ALLOCATED TO THE SCRAP TIRE DISPOSAL ACCOUNT, with a favorable report.

S.B. 772 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE AMOUNT OF THE FIDELITY BOND REQUIRED OF SCHOOL FINANCE OFFICERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75418, is adopted and engrossed.

S.B. 509 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE

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CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE SERVING ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO CHANGE THE PENALTY FOR CLEAN SCANNING AND OTHER TYPE I EMISSIONS VIOLATIONS, 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, 55506, which changes the title to read **S.B. 509** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO CHANGE THE PENALTIES ASSESSED ON MOTORISTS FOR CERTAIN EMISSIONS VIOLATIONS, is adopted and engrossed.

By Senator East for the **State & Local Government Committee**:

H.B. 987 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE NORTH CAROLINA TRAVEL AND TOURISM BOARD TO INCLUDE REPRESENTATIVES OF THE CHARTER BOAT/HEADBOAT INDUSTRY, with a favorable report.

S.B. 359, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55498, which changes the title to read **S.B. 359** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO BUILDING HEIGHT REGULATIONS FOR THE TOWN OF ATLANTIC BEACH, is adopted and engrossed.

S.B. 894, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR STATE EMPLOYEES AND PUBLIC SCHOOL EMPLOYEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55495, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hagan for the **Appropriations/Base Budget Committee**:

S.B. 132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF CERTAIN PORNOGRAPHY LAWS BY AMENDING THE DEFINITION OF SEXUAL ACTIVITY; TO INCREASE THE PENALTY FOR FIRST, SECOND, AND THIRD DEGREE SEXUAL

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EXPLOITATION OF A MINOR; TO PROVIDE THAT A PROCESSOR OF PHOTOGRAPHIC IMAGES OR A COMPUTER TECHNICIAN WHO, IN THE COURSE OF WORK, ENCOUNTERS AN IMAGE OF A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE CUSTOMER REQUESTING THE WORK TO THE APPROPRIATE AUTHORITIES; TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR THE OWNER OR OPERATOR OF A COMMERCIAL SOCIAL NETWORKING WEB SITE TO ALLOW A MINOR USING A PROTECTED COMPUTER TO CREATE OR MAINTAIN A PERSONAL WEB PAGE ON A COMMERCIAL SOCIAL NETWORKING WEB SITE WITHOUT THE PERMISSION OF THE MINOR'S PARENT OR GUARDIAN AND WITHOUT PROVIDING SUCH PARENT OR GUARDIAN ACCESS TO SUCH PERSONAL WEB PAGE, TO REQUIRE THE OWNER OR OPERATOR TO ADOPT AND IMPLEMENT PROCEDURES TO CONFIRM THE IDENTITY AND AGE OF A PARENT OR GUARDIAN GRANTING PERMISSION, AND TO PROVIDE FOR PENALTIES; TO MAKE IT A FELONY FOR A REGISTERED SEX OFFENDER TO ACCESS A COMMERCIAL SOCIAL NETWORKING WEB SITE; TO INCREASE THE PENALTY FOR CERTAIN OFFENSES OF SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT; AND TO MAKE IT A FELONY TO LIE TO A SWORN SBI AGENT CONDUCTING AN OFFICIAL INVESTIGATION, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 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. 1365, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FUNDS IN THE WILDLIFE CONSERVATION ACCOUNT SHALL REMAIN AVAILABLE UNTIL EXPENDED, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1, which changes the title to read **S.B. 1365**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT INTEREST EARNED ON THE WILDLIFE CONSERVATION ACCOUNT SHALL BE CREDITED TO THE ACCOUNT, is adopted and engrossed.

Upon motion of Senator Hagan, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 1119, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE STATE BUDGET 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 35382, which changes the title to read **S.B. 1119** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE STATE BUDGET ACT, TO MAKE TECHNICAL CORRECTIONS IN CERTAIN OTHER STATUTES THAT WERE AMENDED BECAUSE

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CONFORMING CHANGES WERE REQUIRED BY THE ENACTMENT OF THE STATE BUDGET ACT, TO TRANSFER THE PROVISIONS CURRENTLY IN THE EXECUTIVE BUDGET ACT REGARDING FLEXIBLE COMPENSATION TO CHAPTER 126 OF THE GENERAL STATUTES AND CLARIFY THAT THOSE PROVISIONS CONTINUE TO APPLY TO THE SAME STATE EMPLOYEES, AND TO CLARIFY THAT THE PROVISIONS REGARDING DISCONTINUED SERVICE RETIREMENT ALLOWANCE AND SEVERANCE WAGES FOR CERTAIN STATE EMPLOYEES THAT CURRENTLY APPEAR IN THE EXECUTIVE BUDGET ACT BUT THAT ARE TRANSFERRED TO CHAPTER 126 OF THE GENERAL STATUTES EFFECTIVE JULY 1, 2007, SHALL CONTINUE TO COVER THE SAME STATE EMPLOYEES, is adopted and engrossed.

Upon motion of Senator Hagan, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

S.B. 73, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 276, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE BENEFITS PAYABLE THROUGH THE NATIONAL GUARD PENSION FUND, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 447, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROVISIONS ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WHITEVILLE, with a favorable report.

H.B. 328, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MORE FLEXIBLE PAYMENT SCHEDULE FOR THE SPECIAL SEPARATION FOR LAW ENFORCEMENT OFFICERS, with a favorable report.

CALENDAR *(continued)*

S.B. 1077 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE CERTAIN JUVENILE DISCOVERY ORDERS WITH RESPECT TO ABUSE, NEGLECT, AND DEPENDENCY PETITIONS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

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CROSSOVER AGREEMENT

NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH 27603

May 22, 2007

AGREEMENT TO COVER BILLS AND RESOLUTIONS PASSED FOLLOWING ADJOURNMENT OF EITHER CHAMBER PRIOR TO THE OTHER ON MAY 24, 2007, CROSSOVER DEADLINE.

It is agreed that all bills and resolutions passed by the House of Representatives or the Senate on May 24, 2007, and ordered sent to the other chamber but not read as a message on the floor of either Body, shall be considered to have met the provision of House Rule 31.1(d) and Senate Rule 41.

S/Joe Hackney
Speaker of the House

S/Marc Basnight
Senate President Pro Tempore

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 260, AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING CERVICAL CANCER, CERVICAL DYSPLASIA, HUMAN PAPILOMAVIRUS, AND THE VACCINES AVAILABLE TO PREVENT THESE DISEASES.

S.B. 1354, AN ACT TO ALLOW THE NORTH CAROLINA NATIONAL GUARD TO OPERATE POST EXCHANGES.

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. 1808, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM DALLAS HERRING, FORMER CHAIR OF THE STATE BOARD OF EDUCATION. (Res. 34)

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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. 1041, AN ACT TO ANNEX DIVIDED PARCELS TO THE TOWN OF EARL. (Became law upon ratification, May 22, 2007 - S.L. 2007-53.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Malone for the **Education/Public Instruction Committee**:

S.B. 975, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM AUTHORIZING THE IMPLEMENTATION OF ALTERNATIVE TEACHER SALARY PLANS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15095, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 843, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TRAINING AND QUALIFICATION REQUIREMENTS APPLICABLE TO ANIMAL WASTE MANAGEMENT TECHNICAL SPECIALISTS IN THE PROVISION OF SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT 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 75403, which changes the title to read **S.B. 843** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE BIOFUELS INDUSTRY STRATEGIC PLAN WORK GROUP, TO PROVIDE FOR THE INCORPORATION OF THE BIOFUELS CENTER OF NORTH CAROLINA, AND TO ESTABLISH THE NORTH CAROLINA BIOFUELS CAMPUS WITHIN THE OXFORD RESEARCH STATION OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

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The Chair orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to receive the House of Representatives to sit in Joint Session pursuant to S.J.R. 1564.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 23, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S.J.R. 1564**, A JOINT RESOLUTION PROVIDING THAT THE 2007 GENERAL ASSEMBLY SHALL MEET IN JOINT SESSION TO HONOR 2006 NASCAR NEXTEL CUP CHAMPION JIMMIE JOHNSON, the House stands ready to join your Honorable Body in Joint Session.

Respectfully,
S/Denise G. Weeks
Principal Clerk

JOINT SESSION

With Members of the Senate standing, the Members of the House of Representatives are received and the Joint Session is called to order by Lieutenant Governor, Beverly E. Perdue, President of the Senate.

The President extends privileges of the floor to Mike Helton, NASCAR President; Brian France, NASCAR CEO; Rick Hendrick, Hendrick Motorsports; and Jimmie Johnson, 2006 NASCAR Nextel Cup Champion.

S.J.R. 1563, A JOINT RESOLUTION HONORING 2006 NASCAR NEXTEL CUP CHAMPION JIMMIE JOHNSON.

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.

Upon motion of Senator Rand, the joint resolution is read in its entirety.

The joint resolution passes its second reading (48-0) and third reading and is ordered sent to the House of Representatives by special message.

The President relinquishes the gavel to Speaker Hackney who calls the House of Representatives to order. The House passes S.J.R. 1563 sitting in Joint Session and the resolution is ordered enrolled.

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Upon motion of Representative Owens, seconded by Senator Dannelly, the Joint Session is dissolved at 2:53 P.M.

The Senate is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Upon the appearance of Senator Blake in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR *(continued)*

S.B. 354 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE CONSTRUCTION, REPAIR, OR REINSTALLATION OF AILING SEWER INFRASTRUCTURE BY AUTHORIZING THE CITY OF WILMINGTON TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING SEWER, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Boseman, the Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Garrou, Goodall, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Malone, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---42.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 8 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE "SAFE ZONES" NEAR CHILD CARE CENTERS AND SCHOOL GROUNDS REGARDING ILLEGAL DRUG SALES FROM THREE HUNDRED FEET TO ONE THOUSAND FEET, AND TO EXPAND THE "SAFE ZONE" FOR PUBLIC PARKS TO INCLUDE ALL PUBLIC PARKS, NOT JUST THOSE WITH PLAYGROUNDS, AND TO INCREASE THE DISTANCE OF THOSE SAFE ZONES TO ONE THOUSAND FEET.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 17 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRETRIAL RELEASE REQUIREMENTS FOR SEX OFFENDERS.

Upon the appearance of Senator Basnight in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

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The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.J.R. 1565, A JOINT RESOLUTION HONORING NORTH CAROLINA'S MILITARY AND VETERANS AND HONORING THE MEMORY OF THE MEN AND WOMEN WHO LOST THEIR LIVES WHILE SERVING IN THE MILITARY.

Upon motion of Senator Rand, the joint resolution is taken up out of its regular order of business and placed before the Senate for immediate consideration.

The joint resolution passes its second (50-0) and third readings with members standing, and is ordered sent to the House of Representatives by special message.

S.B. 212 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING APPEALS OF QUASI-JUDICIAL DECISIONS MADE UNDER ARTICLE 19 OF CHAPTER 160A AND ARTICLE 18 OF CHAPTER 153A OF THE GENERAL STATUTES.

Without objection, Senator Smith requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 301 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDS OF A CIVIL REVOCATION OF DRIVERS LICENSES SHALL BE EXPUNGED FROM AN INDIVIDUAL'S DRIVING RECORD IF THE UNDERLYING CRIMINAL CHARGE IS EXPUNGED PURSUANT TO ARTICLE 5 OF CHAPTER 15A OF THE GENERAL STATUTES.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 373, A BILL TO BE ENTITLED AN ACT RELATING TO THE 19TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85325, which changes the title to read **S.B. 373** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE RESPONSIBILITY OF DEVELOPERS

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FOR THE COST OF STREET OR HIGHWAY CONSTRUCTION TO THE AMOUNT NECESSARY TO SERVE PROJECTED TRAFFIC GENERATED BY THE DEVELOPMENT, is adopted and engrossed.

Upon adoption of the Committee Substitute, the bill becomes a public bill.

S.B. 1143, A BILL TO BE ENTITLED AN ACT REQUIRING A LICENSED HOME INSPECTOR TO INCLUDE A SUMMARY PAGE IN THE WRITTEN REPORT PROVIDED TO THE PERSON FOR WHOM THE INSPECTION WAS PERFORMED THAT DESCRIBES COMPONENTS THAT ARE NOT FUNCTIONING OR REQUIRE FURTHER INVESTIGATION BY A SPECIALIST, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75419, which changes the title to read **S.B. 1143** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA HOME INSPECTOR LICENSURE BOARD TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA GENERAL ASSEMBLY REGARDING A PRE-LICENSING EDUCATION PROGRAM, is adopted and engrossed.

S.B. 1517, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ISSUERS OF GIFT CARDS FROM CHARGING MAINTENANCE FEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65260, which changes the title to read **S.B. 1517** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSPICUOUS DISCLOSURE OF ANY MAINTENANCE FEES CHARGED FOR GIFT CARDS AND TO PROHIBIT ISSUERS OF GIFT CARDS FROM CHARGING MAINTENANCE FEES FOR TWO YEARS AFTER THE DATE OF PURCHASE, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR *(continued)*

S.B. 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT.

The bill passes its second reading (27-23).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, May 24, upon third reading.

S.B. 371, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COMMERCIAL USE OF LIKENESSES OF ANY SEAL OR COAT OF ARMS OF THE SENATE.

The bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives.

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S.B. 599 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COASTAL RESOURCES COMMISSION TO IMPLEMENT A PILOT PROJECT TO STUDY THE USE OF TERMINAL GROINS FOR OCEAN INLET STABILIZATION.

Without objection, Senator Garrou requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second (41-8) and third readings and is ordered sent to the House of Representatives.

S.B. 670 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS, COVENANTS, AND OTHER SIMILAR AGREEMENTS CANNOT PROHIBIT OR HAVE THE EFFECT OF PROHIBITING THE INSTALLATION OF SOLAR COLLECTORS NOT FACING PUBLIC ACCESS OR COMMON AREAS ON DETACHED SINGLE-FAMILY RESIDENCES.

Senator Cowell offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill passes its second reading (50-0).

Senator Smith objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, May 24, upon third reading.

S.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY REQUIRING THE SIGNATURE OF THE PATIENT'S PARENT, GUARDIAN, OR REPRESENTATIVE ON "DO NOT RESUSCITATE" ORDER FORMS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 747 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR BUILDER DESIGNATIONS UNDER THE LAWS PERTAINING TO GENERAL CONTRACTORS.

The Committee Substitute bill passes its second (48-2) and third readings and is ordered sent to the House of Representatives.

S.B. 855, A BILL TO BE ENTITLED AN ACT TO EXEMPT PRIVATE INVESTIGATORS LICENSED BY THE PRIVATE PROTECTIVE SERVICES BOARD OF THE DEPARTMENT OF JUSTICE FROM THE WINDOW TINTING REQUIREMENTS OF CHAPTER 20 OF THE GENERAL STATUTES.

The bill passes its second (48-2) and third readings and is ordered sent to the House of Representatives.

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S.B. 900, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF RECOUPMENT SURCHARGE ON AUTOMOBILE LIABILITY INSURANCE POLICIES.

The bill passes its second (46-4) and third readings and is ordered sent to the House of Representatives.

S.B. 925 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ALLOWING IMPROPER EQUIPMENT AS A LESSER INCLUDED OFFENSE OF SPEEDING AND TO PRECLUDE A PRAYER FOR JUDGMENT CONTINUED AS A DISPOSITION WHERE A DRIVER EXCEEDS THE POSTED SPEED LIMIT BY MORE THAN THIRTY MILES PER HOUR.

The Committee Substitute bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives.

S.B. 948 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE SMALL DAIRY SUSTAINABILITY BY ALLOWING CONSUMERS TO CONTRACT WITH LOCAL FARMERS TO BECOME PARTIAL OR COMPLETE OWNERS OF DAIRY ANIMALS OR SMALL HERDS OF DAIRY ANIMALS.

The Committee Substitute bill passes its second reading (34-16).

Senator Purcell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, May 24, upon third reading.

S.B. 1009 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A WITNESS'S ORAL STATEMENTS TO A PROSECUTING ATTORNEY DO NOT NEED TO BE RECORDED UNLESS THE STATEMENT CONTAINS SIGNIFICANTLY NEW OR DIFFERENT INFORMATION FROM A PRIOR STATEMENT AND TO PROVIDE WHAT TYPE OF WITNESS IDENTIFICATION INFORMATION MUST BE DISCLOSED TO THE DEFENDANT.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1010 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DISCOUNT RATE OF INTEREST REGARDING STRUCTURED SETTLEMENT PAYMENTS.

The Committee Substitute bill passes its second (35-15) and third readings and is ordered sent to the House of Representatives.

S.B. 1130 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 1259 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROVIDER OF WATER SERVICES WHO SATISFIES THE STANDARDS OF THE NORTH CAROLINA DRINKING WATER ACT IS NOT AN INSURER OF THE QUALITY OF WATER PROVIDED.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1260 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE YEAR-ROUND REPORTING OF CANDIDATE-SPECIFIC COMMUNICATIONS BY "POLITICAL ORGANIZATIONS" AS DEFINED UNDER SECTION 527 OF THE INTERNAL REVENUE CODE; AND TO MAKE TECHNICAL CHANGES TO THE CANDIDATE-SPECIFIC COMMUNICATIONS LAW.

Senator Brock offers Amendment No. 1.

Senator Rand offers a motion that Amendment No.1 lie upon the table, seconded by Senator Clodfelter, which motion prevails (29-20).

The Committee Substitute bill passes its second (45-5) and third readings and is ordered sent to the House of Representatives.

S.B. 1271 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE PAYROLL DEDUCTIONS FOR CERTAIN EMPLOYEE ASSOCIATIONS.

Senator Hunt offers Amendment No. 1.

The President rules that Amendment No. 1 is not germane to the Committee Substitute bill No. 2.

Senator Brock offers Amendment No. 2.

The President rules that Amendment No. 2 is not germane to the Committee Substitute bill No. 2.

Senator Hunt offers Amendment No. 3 which fails of adoption (19-31).

The Committee Substitute bill No. 2 passes its second reading (33-17).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, May 24, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 868, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WATER THAT IS REPRESENTED AS SPRING WATER AND OFFERED FOR SALE AS A BEVERAGE IS MISBRANDED AND, AS SUCH, THE PERSONS WHO BOTTLE, SELL, OR DELIVER SUCH ITEM ARE SUBJECT TO CIVIL AND CRIMINAL PENALTIES AND INJUNCTIONS, UNLESS IT IS NATURAL SPRING WATER, WHICH IS WATER THAT IS

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DERIVED FROM AN UNDERGROUND LAND FORMATION FROM WHICH THE WATER FREELY FLOWS WITHOUT THE USE OF A BOREHOLE AND WITHOUT THE AID OF MECHANICAL MEANS AND THAT IS COLLECTED AT THE SPRING'S NATURAL ORIFICE IN THE EARTH'S SURFACE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15096, which changes the title to read **S.B. 868** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WATER THAT IS REPRESENTED AS NORTH CAROLINA NATURAL SPRING WATER AND OFFERED FOR SALE AS A BEVERAGE IS MISBRANDED AND, AS SUCH, THE PERSONS WHO BOTTLE, SELL, OR DELIVER SUCH ITEM ARE SUBJECT TO CIVIL AND CRIMINAL PENALTIES AND INJUNCTIONS, UNLESS IT IS FROM A NORTH CAROLINA NATURAL SPRING, WHICH IS WATER THAT IS DERIVED FROM AN UNDERGROUND LAND FORMATION FROM WHICH THE WATER FREELY FLOWS WITHOUT THE USE OF A BOREHOLE AND WITHOUT THE AID OF MECHANICAL MEANS AND THAT IS COLLECTED AT THE SPRING'S NATURAL ORIFICE IN THE EARTH'S SURFACE, is adopted and engrossed.

S.B. 1452 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC SCHOOL BUSES OR OTHER VEHICLES FOR STUDENT TRANSPORTATION THAT ARE CAPABLE OF OPERATING ON DIESEL FUEL TO BE CAPABLE OF OPERATING ON DIESEL FUEL WITH A MINIMUM BIODIESEL CONCENTRATION OF B-20, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55504, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 1286, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF MARINE FISHERIES INSPECTORS AND WILDLIFE PROTECTORS TO ENTER PRIVATE LANDS TO ENFORCE LAWS UNDER THEIR JURISDICTIONS.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

S.B. 1303 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ADOPT RULES TO ESTABLISH AND IMPLEMENT A MOUNTAIN HERITAGE TROUT WATERS PROGRAM.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

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The Senate recesses at 5:00 P.M. for the purpose of a Judiciary I Committee meeting and a State & Local Government Committee meeting, to reconvene at 5:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

S.B. 1363 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF DISTRICT ATTORNEYS; AND TO PROVIDE THAT ANY CANDIDATE WHO RECEIVES A MAJORITY OF THE VOTE IN A NONPARTISAN PRIMARY FOR A DISTRICT ATTORNEY OR JUDICIAL SEAT IS THE SOLE NOMINEE AND WILL APPEAR AS THE SOLE CANDIDATE ON THE FINAL ELECTION BALLOT, SUBJECT ONLY TO WRITE-IN OPPOSITION.

Senator Clodfelter offers Amendment No. 1 which is adopted (46-1).

The Committee Substitute bill, as amended, passes its second reading (26-24).

Senator Berger of Rockingham objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, May 24, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 1131, A BILL TO BE ENTITLED AN ACT ALLOWING A GRAND JURY TO REPORT POSSIBLE PROSECUTORIAL MISCONDUCT OR ANY OTHER MATTER THAT COULD ADVERSELY AFFECT THE INDEPENDENCE, FAIRNESS, AND IMPARTIALITY OF THE GRAND JURY AND REQUIRING A WRITTEN RECORD OF ALL GRAND JURY PROCEEDINGS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85326, which changes the title to read **S.B. 1131** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES, is adopted and engrossed.

Upon motion of Senator Nesbitt, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

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By Senator Graham for the **State & Local Government Committee**:

S.B. 629, A BILL TO BE ENTITLED AN ACT TO REVISE THE TERMS OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AS REQUESTED BY THE HOUSING AUTHORITY, with a favorable report.

Upon motion of Senator Graham, the rules are suspended and the bill is placed on today's Calendar.

CALENDAR (*continued*)

S.B. 1383 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED OR LEASES OR MANAGES LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD BE DETRIMENTAL TO THE CYCLIST, OTHER INDIVIDUALS, OR THE ENVIRONMENT.

The Committee Substitute bill passes its second (45-5) and third readings and is ordered sent to the House of Representatives.

The Chair grants a leave of absence for the remainder of today's session to Senator Jenkins.

S.B. 1432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOR A MEANINGFUL CHALLENGE TO AN ADMINISTRATIVE SUBPOENA.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILDLIFE RESOURCES MANAGEMENT LAWS BY AUTHORIZING THE WILDLIFE RESOURCES COMMISSION TO RESPOND TO DISEASE THREATS; BY ALLOWING THE TAKING OF BEAVER WITH BOW AND ARROW; BY AMENDING CERTAIN LAWS GOVERNING THE TAKING OF DEER; BY PROVIDING FOR THE SAFETY OF BOW HUNTERS DURING FIREARMS SEASON; AND BY PROHIBITING THE FEEDING OF ALLIGATORS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1466 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES RELATING TO HEALTH AND SAFETY TO THE MIGRANT HOUSING ACT OF NORTH CAROLINA AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE

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DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS, with Amendment No. 1 pending.

Senator Rand offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1.

Senator Rand calls the previous question on the adoption of Amendment No. 2, seconded by Senator Clodfelter, which motion prevails (34-15).

Amendment No. 2 is adopted (37-12).

The Committee Substitute bill No. 2, as amended, passes its second (46-3) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 1541 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE FUTURE USE OF THE DOROTHEA DIX HOSPITAL PROPERTY CAMPUS AND SUPPORT FOR MENTAL HEALTH SERVICES.

The Committee Substitute bill passes its second reading (49-0).

Senator Hunt objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, May 24, upon third reading.

S.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

Senator Hoyle offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its third reading (42-6) and is ordered engrossed and sent to the House of Representatives.

S.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE STATUS OF LOCAL ENTITY EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT.

The Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives.

S.B. 1351 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE FRANCHISE LAWS AS THEY RELATE TO AUTOMOBILE DEALER WARRANTY OBLIGATIONS, CIVIL ACTIONS FOR VIOLATIONS, COERCION, AND INSTALLMENT SALES.

Senator Clodfelter offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 1507 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING CITIES AND COUNTIES TO HAVE PROBABLE CAUSE BEFORE INSPECTING RESIDENTIAL AND NONRESIDENTIAL STRUCTURES AND REQUIRING OWNERS AND LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY REPAIRING

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CERTAIN UNSAFE CONDITIONS, as amended on second reading.

Senator Smith offers Amendment No. 2 which is adopted (44-5).

The Committee Substitute bill, as amended, passes its third reading (46-3) and is ordered engrossed and sent to the House of Representatives.

S.B. 132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF CERTAIN PORNOGRAPHY LAWS BY AMENDING THE DEFINITION OF SEXUAL ACTIVITY; TO INCREASE THE PENALTY FOR FIRST, SECOND, AND THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR; TO PROVIDE THAT A PROCESSOR OF PHOTOGRAPHIC IMAGES OR A COMPUTER TECHNICIAN WHO, IN THE COURSE OF WORK, ENCOUNTERS AN IMAGE OF A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE CUSTOMER REQUESTING THE WORK TO THE APPROPRIATE AUTHORITIES; TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR THE OWNER OR OPERATOR OF A COMMERCIAL SOCIAL NETWORKING WEB SITE TO ALLOW A MINOR USING A PROTECTED COMPUTER TO CREATE OR MAINTAIN A PERSONAL WEB PAGE ON A COMMERCIAL SOCIAL NETWORKING WEB SITE WITHOUT THE PERMISSION OF THE MINOR'S PARENT OR GUARDIAN AND WITHOUT PROVIDING SUCH PARENT OR GUARDIAN ACCESS TO SUCH PERSONAL WEB PAGE, TO REQUIRE THE OWNER OR OPERATOR TO ADOPT AND IMPLEMENT PROCEDURES TO CONFIRM THE IDENTITY AND AGE OF A PARENT OR GUARDIAN GRANTING PERMISSION, AND TO PROVIDE FOR PENALTIES; TO MAKE IT A FELONY FOR A REGISTERED SEX OFFENDER TO ACCESS A COMMERCIAL SOCIAL NETWORKING WEB SITE; TO INCREASE THE PENALTY FOR CERTAIN OFFENSES OF SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT; AND TO MAKE IT A FELONY TO LIE TO A SWORN SBI AGENT CONDUCTING AN OFFICIAL INVESTIGATION, 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.

S.B. 1365, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT INTEREST EARNED ON THE WILDLIFE CONSERVATION ACCOUNT SHALL BE CREDITED TO THE ACCOUNT, placed earlier on today's Calendar.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1119 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE STATE BUDGET ACT, TO MAKE TECHNICAL CORRECTIONS IN CERTAIN OTHER STATUTES THAT WERE AMENDED BECAUSE CONFORMING CHANGES WERE REQUIRED BY THE ENACTMENT OF THE STATE BUDGET ACT, TO

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TRANSFER THE PROVISIONS CURRENTLY IN THE EXECUTIVE BUDGET ACT REGARDING FLEXIBLE COMPENSATION TO CHAPTER 126 OF THE GENERAL STATUTES AND CLARIFY THAT THOSE PROVISIONS CONTINUE TO APPLY TO THE SAME STATE EMPLOYEES, AND TO CLARIFY THAT THE PROVISIONS REGARDING DISCONTINUED SERVICE RETIREMENT ALLOWANCE AND SEVERANCE WAGES FOR CERTAIN STATE EMPLOYEES THAT CURRENTLY APPEAR IN THE EXECUTIVE BUDGET ACT BUT THAT ARE TRANSFERRED TO CHAPTER 126 OF THE GENERAL STATUTES EFFECTIVE JULY 1, 2007, SHALL CONTINUE TO COVER THE SAME STATE EMPLOYEES, 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.

S.B. 629, A BILL TO BE ENTITLED AN ACT TO REVISE THE TERMS OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AS REQUESTED BY THE HOUSING AUTHORITY, placed earlier on today's Calendar.

Without objection, Senator Clodfelter requests to be excused from voting on the bill due to a conflict of interest.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1131 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES, placed earlier on today's Calendar.

Senator Rand offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (47-2) and third readings and is ordered engrossed and sent to the House of Representatives.

ADDITIONAL SPONSOR

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 1009, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATE IS NOT REQUIRED TO DISCLOSE THE IDENTITY OF A CONFIDENTIAL INFORMANT IN A CRIMINAL CASE UNLESS DISCLOSURE IS OTHERWISE REQUIRED BY LAW, AND TO PROTECT THE WORK PRODUCT OF PROSECUTORS.

S.B. 1129, A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO ALL LAW ENFORCEMENT NOTES IN THE OPEN DISCOVERY PROCESS.

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S.B. 1130, A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT AND PROSECUTORIAL AGENCIES IN THE OPEN DISCOVERY PROCESS.

Upon motion of Senator Basnight, seconded by all members of the Senate, the Senate adjourns in honor of all Senators who served in the military subject to receipt of committee reports and reading of messages from the House of Representatives, to meet Thursday, May 24, at 10:00 A.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 872 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE THALIAN ASSOCIATION AT WILMINGTON, NORTH CAROLINA, AS THE OFFICIAL COMMUNITY THEATER OF NORTH CAROLINA, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Thursday, May 24, for concurrence in House Amendment No. 1.

H.B. 292 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO STUDY AND UNDERTAKE PRELIMINARY DESIGN WORK FOR A REPLACEMENT FOR THE YADKIN RIVER BRIDGE.

Referred to the **Transportation Committee**.

H.B. 461 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANY STATE LOTTERY ADVERTISING OR SPONSORSHIP RELATED TO HIGH SCHOOL SPORTS OR HIGH SCHOOL SPORTING EVENTS.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 472 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MOVE ELECTIONS FOR THE TOWN OF ROPER TO THE TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER IN ODD-NUMBERED YEARS.

Referred to the **State & Local Government Committee**.

H.B. 554 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR ASSAULT ON A PATIENT IN A HEALTH CARE FACILITY OR RESIDENT OF A RESIDENTIAL CARE FACILITY WHEN THE CONDUCT EVINCES A PATTERN OF BEHAVIOR, IS WILLFUL OR CULPABLY NEGLIGENT, AND CAUSES BODILY INJURY TO THE PATIENT OR RESIDENT.

Referred to the **Judiciary II Committee**.

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H.B. 625 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES, AND TO MAKE OTHER CONFORMING AND STATUTORY CHANGES.

Referred to the **Health Care Committee**.

H.B. 654, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A MEMBER OF A SCHOOL BOARD IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 849, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE 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**.

H.B. 956 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS.

Referred to the **Education/Public Instruction Committee** and upon a favorable report re-referred to the **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 976 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF PUBLIC VEHICULAR AREA IN MOTOR VEHICLE LAW AND TO REQUIRE ACCESS TO GATED COMMUNITIES FOR EMERGENCY SERVICE VEHICLES.

Referred to the **Judiciary I Committee**.

H.B. 1325, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION PER DIEMS AND MILEAGE RATES EQUIVALENT TO OTHER REGIONAL COMMISSIONS.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 1460 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ATTORNEY GENERAL TO REQUIRE CERTAIN CIGARETTE MANUFACTURERS TO MAKE QUARTERLY ESCROW DEPOSITS.

Referred to the **Finance Committee**.

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Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 6:44 P.M.

SEVENTIETH DAY

Senate Chamber
Thursday, May 24, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Al Lewis, Executive Director, Covenant Prison Ministries, Monroe, North Carolina, as follows:

"God teach us to love you. Show us how to be servant leaders. Servant leaders are useful and fulfilled leaders. When we simply put you first then everything that happens to us, harsh, painful, or joyful works with the rest of our experiences for our good of those you have called us to serve. We acknowledge our need for you to help us today. In Jesus name, Amen."

The Chair grants a leave of absence for today to Senator Jacumin, Senator Jenkins and Senator Pittenger.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, 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 privileges of the floor to Dr. Richard Wheeler from Cary, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill and joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 354, AN ACT TO EXPEDITE THE CONSTRUCTION, REPAIR, OR REINSTALLATION OF AILING SEWER INFRASTRUCTURE BY AUTHORIZING THE CITY OF WILMINGTON TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING SEWER.

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S.J.R. 1563, A JOINT RESOLUTION HONORING 2006 NASCAR NEXTEL CUP CHAMPION JIMMIE JOHNSON. (Res. 35)

S.J.R. 1565, A JOINT RESOLUTION HONORING NORTH CAROLINA'S MILITARY AND VETERANS AND HONORING THE MEMORY OF THE MEN AND WOMEN WHO LOST THEIR LIVES WHILE SERVING IN THE MILITARY. (Res. 36)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 552, AN ACT TO PROVIDE QUALIFIED IMMUNITY FOR PERSONS SERVING ON LOCAL BOARDS OF TRUSTEES OF THE FIREMEN'S RELIEF FUND OF NORTH CAROLINA. (Became law upon approval of the Governor, May 23, 2007 - S.L. 2007-54.)

S.B. 658, AN ACT TO AMEND THE BANKING LAWS OF NORTH CAROLINA FOR THE ASSESSMENT OF BANKS AND STATE TRUST COMPANIES. (Became law upon approval of the Governor, May 23, 2007 - S.L. 2007-55.)

S.B. 1026, AN ACT TO RESTORE THE LICENSEE'S BIRTHDAY AS THE EXPIRATION DATE OF A DRIVERS LICENSE FOR A PERSON EIGHTEEN YEARS OLD OR OLDER; TO CORRECT THE DESCRIPTION OF THE DOCUMENTS REQUIRED TO BE PRESENTED BY LEGAL NONIMMIGRANT APPLICANTS FOR A DRIVERS LICENSE TO ESTABLISH THAT THEY ARE LEGALLY PRESENT IN THE UNITED STATES AND HOW LONG THEY ARE AUTHORIZED TO STAY; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CANCEL A DRIVERS LICENSE ISSUED TO A LEGAL NONIMMIGRANT IF THAT PERSON IS NO LONGER AUTHORIZED UNDER FEDERAL LAW TO BE IN THE UNITED STATES, ALL AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, May 23, 2007 - S.L. 2007-56.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 359 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO BUILDING HEIGHT REGULATIONS FOR THE TOWN OF ATLANTIC BEACH.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 447, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROVISIONS ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WHITEVILLE.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

Upon the appearance of Senator Pittenger in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 373 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE RESPONSIBILITY OF DEVELOPERS FOR THE COST OF STREET OR HIGHWAY CONSTRUCTION TO THE AMOUNT NECESSARY TO SERVE PROJECTED TRAFFIC GENERATED BY THE DEVELOPMENT.

Upon motion of Senator Rand, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 509 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO CHANGE THE PENALTIES ASSESSED ON MOTORISTS FOR CERTAIN EMISSIONS VIOLATIONS.

The Committee Substitute bill No. 2 passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1399 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE USING A MOBILE PHONE UNLAWFUL WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

S.B. 772 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE AMOUNT OF THE FIDELITY BOND REQUIRED OF SCHOOL FINANCE OFFICERS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WATER THAT IS REPRESENTED AS NORTH CAROLINA NATURAL SPRING WATER AND OFFERED FOR SALE AS A BEVERAGE IS MISBRANDED AND, AS SUCH, THE PERSONS WHO BOTTLE, SELL, OR DELIVER SUCH ITEM ARE SUBJECT TO CIVIL AND CRIMINAL PENALTIES AND INJUNCTIONS, UNLESS IT IS FROM A

NORTH CAROLINA NATURAL SPRING, WHICH IS WATER THAT IS DERIVED FROM AN UNDERGROUND LAND FORMATION FROM WHICH THE WATER FREELY FLOWS WITHOUT THE USE OF A BOREHOLE AND WITHOUT THE AID OF MECHANICAL MEANS AND THAT IS COLLECTED AT THE SPRING'S NATURAL ORIFICE IN THE EARTH'S SURFACE.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 975 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM AUTHORIZING THE IMPLEMENTATION OF ALTERNATIVE TEACHER SALARY PLANS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

The Senate recesses at 11:00 A.M. for the purpose of an Education/Public Instruction Committee meeting to reconvene at 11:15 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Malone for the **Education/Public Instruction Committee**:

S.B. 1463, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO (1) STUDY THE NEED TO MAKE VARIOUS CHANGES TO THE ABCS OF PUBLIC EDUCATION PROGRAM AND (2) DEVELOP A PROPOSAL FOR A NEW STATE TESTING AND ACCOUNTABILITY PLAN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15097, which changes the title to read **S.B. 1463** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO (1) STUDY THE NEED TO MAKE VARIOUS CHANGES TO THE ABCS OF PUBLIC EDUCATION PROGRAM AND (2) DEVELOP A PROPOSAL FOR A NEW STATE TESTING AND ACCOUNTABILITY PLAN AND APPROPRIATING FUNDS FOR EDUCATION PROGRAMS, is adopted and engrossed.

Upon motion of Senator Malone, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

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CALENDAR *(continued)*

S.B. 1143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA HOME INSPECTOR LICENSURE BOARD TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA GENERAL ASSEMBLY REGARDING A PRE-LICENSING EDUCATION PROGRAM.

Upon motion of Senator Dannelly, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 1452 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC SCHOOL BUSES OR OTHER VEHICLES FOR STUDENT TRANSPORTATION THAT ARE CAPABLE OF OPERATING ON DIESEL FUEL TO BE CAPABLE OF OPERATING ON DIESEL FUEL WITH A MINIMUM BIODIESEL CONCENTRATION OF B-20.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1472, A BILL TO BE ENTITLED AN ACT TO AMEND THE DISTRIBUTION OF THE PROCEEDS OF THE SCRAP TIRE DISPOSAL TAX TO INCREASE FUNDS ALLOCATED TO COUNTIES FOR THE DISPOSAL OF SCRAP TIRES, TO INCREASE FUNDS ALLOCATED TO THE SOLID WASTE MANAGEMENT TRUST FUND, AND TO DECREASE FUNDS ALLOCATED TO THE SCRAP TIRE DISPOSAL ACCOUNT.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 328, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MORE FLEXIBLE PAYMENT SCHEDULE FOR THE SPECIAL SEPARATION FOR LAW ENFORCEMENT OFFICERS.

The bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

The Senate recesses at 11:25 A.M. to reconvene at 11:50 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

S.B. 1143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA HOME INSPECTOR LICENSURE

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BOARD TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA GENERAL ASSEMBLY REGARDING A PRE-LICENSING EDUCATION PROGRAM, temporarily displaced earlier today.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

H.B. 987 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE NORTH CAROLINA TRAVEL AND TOURISM BOARD TO INCLUDE REPRESENTATIVES OF THE CHARTER BOAT/HEADBOAT INDUSTRY.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT.

The bill passes its third reading (28-19) and is ordered sent to the House of Representatives.

S.B. 670 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS, COVENANTS, AND OTHER SIMILAR AGREEMENTS CANNOT PROHIBIT OR HAVE THE EFFECT OF PROHIBITING THE INSTALLATION OF SOLAR COLLECTORS NOT FACING PUBLIC ACCESS OR COMMON AREAS ON DETACHED SINGLE-FAMILY RESIDENCES, as amended on second reading.

The Committee Substitute bill, as amended, passes its third reading (46-2) and is ordered engrossed and sent to the House of Representatives.

S.B. 948 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE SMALL DAIRY SUSTAINABILITY BY ALLOWING CONSUMERS TO CONTRACT WITH LOCAL FARMERS TO BECOME PARTIAL OR COMPLETE OWNERS OF DAIRY ANIMALS OR SMALL HERDS OF DAIRY ANIMALS.

Senator Purcell offers Amendment No. 1 which is adopted (48-0), and changes the title to read **S.B. 948** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE SMALL DAIRY SUSTAINABILITY BY ALLOWING CONSUMERS TO CONTRACT WITH LOCAL FARMERS TO BECOME PARTIAL OR COMPLETE OWNERS OF DAIRY ANIMALS OR SMALL HERDS OF DAIRY ANIMALS; AND TO REQUIRE A PUBLIC HEALTH WARNING TO BE PROVIDED WHEN RAW MILK IS DISPENSED FOR HUMAN CONSUMPTION.

The Committee Substitute bill, as amended, passes its third reading (39-9) and is ordered engrossed and sent to the House of Representatives.

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S.B. 1271 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE PAYROLL DEDUCTIONS FOR CERTAIN EMPLOYEE ASSOCIATIONS.

The Committee Substitute bill No. 2 passes its third reading (29-18) and is ordered sent to the House of Representatives.

S.B. 1363 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF DISTRICT ATTORNEYS; AND TO PROVIDE THAT ANY CANDIDATE WHO RECEIVES A MAJORITY OF THE VOTE IN A NONPARTISAN PRIMARY FOR A DISTRICT ATTORNEY OR JUDICIAL SEAT IS THE SOLE NOMINEE AND WILL APPEAR AS THE SOLE CANDIDATE ON THE FINAL ELECTION BALLOT, SUBJECT ONLY TO WRITE-IN OPPOSITION, as amended on second reading.

The Committee Substitute bill, as amended, passes its third reading (28-20) and is ordered engrossed and sent to the House of Representatives.

S.B. 1541 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE FUTURE USE OF THE DOROTHEA DIX HOSPITAL PROPERTY CAMPUS AND SUPPORT FOR MENTAL HEALTH SERVICES.

Upon motion of Senator Rand, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 872 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE THALIAN ASSOCIATION AT WILMINGTON, NORTH CAROLINA, AS THE OFFICIAL COMMUNITY THEATER OF NORTH CAROLINA, for concurrence in House Amendment No. 1.

Upon motion of Senator Boseman, the Senate concurs in House Amendment No. 1, (42-6) and the bill is ordered enrolled and sent to the Governor.

S.B. 1541 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE FUTURE USE OF THE DOROTHEA DIX HOSPITAL PROPERTY CAMPUS AND SUPPORT FOR MENTAL HEALTH SERVICES, temporarily displaced earlier.

The Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives.

S.B. 373 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE RESPONSIBILITY OF DEVELOPERS FOR THE COST OF STREET OR HIGHWAY CONSTRUCTION TO THE AMOUNT NECESSARY TO SERVE PROJECTED TRAFFIC GENERATED BY THE DEVELOPMENT, temporarily displaced earlier today.

Without objection, Senator Smith and Senator Blake request to be excused from voting on the Committee Substitute bill due to a conflict of interest.

Senator Brown offers Amendment No. 1 which is adopted (45-1). Upon adoption of Amendment No. 1, the Committee Substitute bill becomes a local bill.

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Senator Brock offers Amendment No. 2 which he subsequently withdraws.

The Committee Substitute bill, as amended, passes its second (38-8) and third readings and is ordered engrossed and sent to the House of Representatives.

ADDITIONAL SPONSOR

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 212, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING APPEALS OF QUASI-JUDICIAL DECISIONS MADE UNDER ARTICLE 19 OF CHAPTER 160A AND ARTICLE 18 OF CHAPTER 153A OF THE GENERAL STATUTES.

S.B. 301, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDS OF A CIVIL REVOCATION OF DRIVERS LICENSES SHALL BE EXPUNGED FROM AN INDIVIDUAL'S DRIVING RECORD IF THE UNDERLYING CRIMINAL CHARGE IS EXPUNGED PURSUANT TO ARTICLE 5 OF CHAPTER 15A OF THE GENERAL STATUTES.

S.B. 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT.

S.B. 599, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OCEAN ISLE BEACH SHORE PROTECTION.

S.B. 670, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS, COVENANTS, AND OTHER SIMILAR AGREEMENTS CANNOT PROHIBIT OR HAVE THE EFFECT OF PROHIBITING THE INSTALLATION OF ENERGY DEVICES THAT ARE BASED ON THE USE OF RENEWABLE RESOURCES.

S.B. 925, A BILL TO BE ENTITLED AN ACT TO CREATE A TRANSFER ON DEATH PROVISION FOR MOTOR VEHICLES TITLED IN NORTH CAROLINA TO ALLOW BENEFICIARIES TO TAKE TITLE OF THE MOTOR VEHICLE UPON THE DEATH OF AN OWNER OR OWNERS.

Upon motion of Senator Basnight, seconded by all the Members of the Senate, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Friday, May 25, at 9:00 A.M.

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 47 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FELONY OFFENSE FOR PERSONS WHO KNOWINGLY VIOLATE A DOMESTIC VIOLENCE PROTECTIVE ORDER WHILE ARMED WITH A DEADLY WEAPON AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

Referred to the **Judiciary I Committee**.

H.B. 414 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE REGULATION OF CERTAIN METALS TO PROVIDE MORE OVERSIGHT OF THE SALES OF METALS PRODUCTS AND TO INCREASE THE CRIMINAL PENALTY FOR VIOLATING THOSE REGULATIONS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 483 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM.

Referred to the **State & Local Government Committee**.

H.B. 485 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO ENSURE THAT STUDENTS IN GRADES NINE THROUGH TWELVE RECEIVE ANNUAL HEALTH INSTRUCTION INCLUDING INFORMATION ABOUT THE MANNER IN WHICH A PARENT MAY LAWFULLY ABANDON A NEWBORN BABY WITH A RESPONSIBLE PERSON.

Referred to the **Health Care Committee**.

H.B. 503 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF BEAUFORT AND THE TOWN OF BLACK MOUNTAIN TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Select Committee on Employee Hospital and Medical Benefits**.

H.B. 508 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF BILTMORE FOREST, BLOWING ROCK, OCEAN ISLE, AND SUNSET BEACH TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to the **Select Committee on Employee Hospital and Medical Benefits**.

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H.B. 597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RELIEF FROM A CHILD SUPPORT ORDER WHEN THE OBLIGOR IS NOT THE CHILD'S FATHER.

Referred to the **Judiciary I Committee**.

H.B. 645 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONTINUING THE STATE HISTORICAL RECORDS ADVISORY BOARD.

Referred to the **State & Local Government Committee**.

H.B. 666 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES AND CITIES TO PROVIDE BUILDING PERMIT FEE REDUCTIONS OR PARTIAL REBATES TO ENCOURAGE CONSTRUCTION OF BUILDINGS USING SUSTAINABLE DESIGN PRINCIPLES TO ACHIEVE ENERGY EFFICIENCY.

Referred to the **Finance Committee**.

H.B. 676 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM ANNUAL PENSION BENEFIT PAYABLE THROUGH THE REGISTER OF DEEDS' SUPPLEMENTAL PENSION FUND AND TO MAKE OTHER ADJUSTMENTS TO THE FUND.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 802 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE DEPARTMENT OF TRANSPORTATION CONTRACTING AUTHORITY TO PROVIDE FOR TRANSPORTATION INFRASTRUCTURE AND LITTER REMOVAL FROM STATE RIGHTS-OF-WAY.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 973 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE EQUITY IN HEALTH INSURANCE COVERAGE FOR MENTAL ILLNESS.

Referred to the **Health Care Committee**.

H.B. 1132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF A PER DIEM TO PUBLIC HEALTH AUTHORITY BOARDS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITY BOARDS TO ENTER INTO INSTALLMENT CONTRACTS.

Referred to the **Finance Committee**.

H.B. 1195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCEDURE TO RECALL ELECTED OFFICIALS IN THE TOWN OF PLEASANT GARDEN.

Referred to the **State & Local Government Committee**.

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H.B. 1253, A BILL TO BE ENTITLED AN ACT TO REVISE THE JUVENILE CODE WITH REGARD TO SECURE CUSTODY ORDERS, DELINQUENCY HISTORY LEVELS, AND DISPOSITIONAL LIMITS OF DELINQUENT JUVENILES.

Referred to the **Judiciary I Committee**.

H.B. 1328, A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON CONVICTED OF A SEX OFFENSE WHO IS PURSUING CHILD CUSTODY EX PARTE TO DISCLOSE THE CONVICTION IN THE PLEADINGS.

Referred to the **Judiciary I Committee**.

H.B. 1400 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE TAKING OR RECOVERY OF HUMAN TISSUE AT A FUNERAL ESTABLISHMENT BY ANY PERSON, WITH CERTAIN EXCEPTIONS.

Referred to the **Health Care Committee**.

H.B. 1402, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF TRANSPORTATION TO CONSULT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS BEFORE BEGINNING THE DESIGN OR CONSTRUCTION OF NEW WELCOME CENTER BUILDINGS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

H.B. 1479 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES AND SANCTIONS TO ADDRESS CONTEMPT BY JUVENILES.

Referred to the **Judiciary II Committee**.

H.B. 1481, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COURT MAY ORDER SECURE CUSTODY OF A JUVENILE WHEN THE JUVENILE IS CHARGED WITH A VIOLATION OF EITHER DRIVING WHILE IMPAIRED OR UNDERAGE DRINKING AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE DISPOSITIONAL ALTERNATIVES FOR JUVENILES WHO ARE ADJUDICATED DELINQUENT FOR A DRIVING WHILE IMPAIRED OR AN UNDERAGE DRINKING VIOLATION.

Referred to the **Judiciary I Committee**.

H.B. 1519 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW PERTAINING TO THE RESOLUTION OF DISPUTES BETWEEN THE BOARD OF EDUCATION AND THE BOARD OF COUNTY COMMISSIONERS REGARDING SCHOOL FUNDING.

Referred to the **Judiciary I Committee**.

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H.B. 1546, A BILL TO BE ENTITLED AN ACT TO REQUIRE A COMMERCIAL DRIVERS LICENSE THAT HAS A SCHOOL BUS ENDORSEMENT TO EXPIRE THREE YEARS AFTER IT IS ISSUED.

Referred to the **Education/Public Instruction Committee**.

H.B. 1607, A BILL TO BE ENTITLED AN ACT ESTABLISHING JUNETEENTH NATIONAL FREEDOM DAY IN NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1623 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE ATTENDING PHYSICIAN OF AN EMPLOYEE TO SELECT THE HEALTH CARE PROVIDER AND THE DIAGNOSTIC SERVICES CENTER TO ADMINISTER AND ANALYZE ANY DIAGNOSTIC TESTS AUTHORIZED BY A PHYSICIAN UNDER THE WORKERS' COMPENSATION ACT.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1644 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE FUTURE USE OF THE DOROTHEA DIX HOSPITAL PROPERTY CAMPUS AND SUPPORT FOR MENTAL HEALTH SERVICES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1707, A BILL TO BE ENTITLED AN ACT TO ALLOW DETENTION OFFICERS EMPLOYED BY THE SHERIFF TO CARRY FIREARMS AT THE COUNTY COURTHOUSE.

Referred to the **Judiciary II Committee**.

H.B. 1770 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE PARTIES TO CONSERVATION AND PRESERVATION AGREEMENTS TO INCLUDE PROVISIONS IN THE AGREEMENTS FOR THE PAYMENT OF FEES UPON FUTURE CONVEYANCE OF PROPERTY SUBJECT TO THE AGREEMENTS.

Referred to the **Finance Committee**.

H.B. 1827 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE LEGAL AND POLICY ISSUES REGARDING THE DISMISSAL, DEMOTION, OR SUSPENSION WITHOUT PAY OF NONCERTIFIED SCHOOL EMPLOYEES.

Referred to the **Rules and Operations of the Senate Committee**.

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Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:59 P.M.

SEVENTY-FIRST DAY

Senate Chamber
Friday, May 25, 2007

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 God, we are grateful for the prospect of a long weekend ahead. Grant safe journey to all those traveling. Today in the Senate, O Lord, as we begin the Memorial Day weekend we honor in memory those who have died serving our Country, six of whom lost their lives just yesterday in Iraq. They have taught us that true heroism is remarkably sober and most times very undramatic. It is not the urge to surpass all others at whatever cost, but the urge to serve others at whatever cost. They served us well. It is in their memory and to your glory we pray. Amen."

Senator Hunt announces that the Journal of Thursday, 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.

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. 354, AN ACT TO EXPEDITE THE CONSTRUCTION, REPAIR, OR REINSTALLATION OF AILING SEWER INFRASTRUCTURE BY AUTHORIZING THE CITY OF WILMINGTON TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING SEWER. (Became law upon ratification, May 24, 2007 - S.L. 2007-57.)

Upon motion of Senator Stevens, seconded by Senator Hunt, the Senate adjourns at 9:02 A.M. to meet Tuesday, May 29, at 3:00 P.M.

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SEVENTY-SECOND DAY

Senate Chamber
Tuesday, May 29, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father, this week, give us faith to live victoriously even in the midst of obstacles that we face. Teach us the honesty that acknowledges that life is sometimes more than patient endurance and keeping a stiff upper lip, and that whistling in the dark is not really bravery. Bless us with humility so that we may feel no shame in expressing our need of you, O God. Forgive us of any pride that might cause us to be pretentious when we know full well that sometime we ourselves are no more than beggars. Knowing who we are and whose we are will help us live faithfully with the assurance that all things work together for good to them that love you. Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Friday, May 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 872, AN ACT TO ADOPT THE THALIAN ASSOCIATION AT WILMINGTON, NORTH CAROLINA, AS THE OFFICIAL COMMUNITY THEATER OF NORTH CAROLINA.

H.B. 328, AN ACT TO AUTHORIZE A MORE FLEXIBLE PAYMENT SCHEDULE FOR THE SPECIAL SEPARATION FOR LAW ENFORCEMENT OFFICERS.

H.B. 987, AN ACT TO MODIFY THE NORTH CAROLINA TRAVEL AND TOURISM BOARD TO INCLUDE REPRESENTATIVES OF THE CHARTER BOAT/HEADBOAT INDUSTRY.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

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Katie Barbour, Clayton; Jordan Berger, Gastonia; Jasmine Bowers, Charlotte; Claire Brown, Clayton; Ashley Colavito, Clayton; Elisabeth Curtis, York, South Carolina; Justin Foxx, Charlotte; Cheryl Gilliam, Fairview; Canaan Grier, Charlotte; Jay Grisette III, Goldsboro; Mary Hill, Rocky Mount; Lisa Hill, Rocky Mount; Blake Marchese, Goldsboro; Ben McDonald, Selma; Caroline McKay, Garner; Matt Nivens, Charlotte; Jason Riley, Charlotte; Tristany Roper, Middlesex; Trillian Roper, Middlesex; and Daniel Smith, Creedmoor.

Upon motion of Senator Dannelly, seconded by Senator Dalton, the Senate adjourns subject to receipt of committee reports, reading of messages from the House of Representatives and referral and re-referral of bills, to meet Wednesday, May 30, at 12:00 Noon.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 341, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE SUPREME COURT IN CONDUCTING THE PROPORTIONALITY REVIEW REQUIRED BY LAW SHALL CONSIDER NOT ONLY THOSE CAPITAL CASES IN WHICH THE DEATH PENALTY WAS IMPOSED BUT ALSO FACTUALLY SIMILAR CASES IN WHICH THE SENTENCE OF LIFE IMPRISONMENT WAS IMPOSED.

Referred to the **Judiciary II Committee**.

H.B. 469 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TYPE OF NOTICE FOR STREET AND ALLEY CLOSURES FROM PUBLICATION OF A RESOLUTION FOR A TOTAL OF FOUR WEEKS TO PUBLICATION OF A NOTICE IN A PAPER OF GENERAL CIRCULATION NOT LESS THAN THREE TIMES BEGINNING NOT MORE THAN THIRTY-FIVE DAYS FROM THE DATE SET FOR THE PUBLIC HEARING.

Referred to the **State & Local Government Committee**.

H.B. 716 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENHANCING LEGISLATIVE REVIEW OF BUDGET EXECUTION AND ADMINISTRATION BY ESTABLISHING A PERMANENT JOINT LEGISLATIVE BUDGET OVERSIGHT COMMITTEE OF THE GENERAL ASSEMBLY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 824 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GENDER EQUITY REPORTING STATUTE.

Referred to the **Judiciary I Committee**.

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H.B. 833, A BILL TO BE ENTITLED AN ACT TO RENAME THE FIREMEN'S RELIEF FUND THE FIREFIGHTERS' RELIEF FUND IN RECOGNITION OF THE NUMEROUS FEMALE FIREFIGHTERS WHO SERVE.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 878 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY TO BE CONVEYED TO OTHER PRIVATE OWNERS FOR ECONOMIC DEVELOPMENT AND TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES.

Referred to the **Ways & Means Committee**.

H.B. 966 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM AUTHORIZING THE IMPLEMENTATION OF ALTERNATIVE TEACHER SALARY PLANS.

Referred to the **Education/Public Instruction Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1025, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EMPLOYERS TO AMORTIZE THE PAYMENT OF THE COST OF PROBATIONARY EMPLOYMENT FOR MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 1181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MITCHELL COUNTY TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ESTABLISH A TWO-YEAR MORATORIUM ON PARTICIPATION IN THE PLAN OF LOCAL GOVERNMENTS NOT PARTICIPATING OR AUTHORIZED TO PARTICIPATE AS OF A CERTAIN DATE.

Referred to the **Select Committee on Employee Hospital and Medical Benefits**.

H.B. 1291, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FAIR AND RELIABLE IMPOSITION OF CAPITAL SENTENCES.

Referred to the **Judiciary II Committee**.

H.B. 1366 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT.

Referred to the **Judiciary II Committee**.

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H.B. 1414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW PROVIDING FOR CREDITABLE SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM FOR MEMBERS WHO SERVED IN THE UNIFORMED SERVICES.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 1415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1471 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXISTING CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ALLOW AN EXISTING CHARTER SCHOOL TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN..

Referred to the **Education/Public Instruction Committee**.

H.B. 1489 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PROTECTION OF CONSUMERS IN LIFE SETTLEMENT TRANSACTIONS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1559 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING TRANSIT AMENITIES ON HIGHWAYS WITHIN CITIES.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1576 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MUNICIPALITIES AND THE DEPARTMENT OF TRANSPORTATION TO COORDINATE TRAFFIC SIGNAL PATTERNS TO REDUCE THE CONSUMPTION OF ENERGY.

Referred to the **State & Local Government Committee**.

H.B. 1624, A BILL TO BE ENTITLED AN ACT TO LIMIT THE FREQUENCY OF PAROLE REVIEWS FOR INMATES CONVICTED OF MURDER.

Referred to the **Judiciary I Committee**.

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H.B. 1651 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN THE CITY OF RALEIGH.

Referred to the **State & Local Government Committee**.

H.B. 1685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED REQUIREMENTS TO ALLOW FOR AN EXPEDITED REVIEW PROCESS FOR AN ADULT CARE HOME OR A NURSING HOME TO RELOCATE WITHIN THE SAME COUNTY.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1702 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSERVE ENERGY AND TO REQUIRE A STUDY OF THE DEGREE OF INSULATION FOR HOT WATERLINES THAT SHOULD BE REQUIRED.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

H.B. 1737 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE LEGAL EXPENSE FUNDS OF ELECTED OFFICERS TO PROVIDE FOR DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES AND TO LIMIT CONTRIBUTIONS.

Referred to the **Select Committee on Government and Election Reform**.

H.B. 1739 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STUDENTS PLACED ON SHORT-TERM SUSPENSIONS TO TAKE THEIR TEXTBOOKS HOME FOR THE DURATION OF THE SHORT-TERM SUSPENSION AND TO HAVE ACCESS TO HOMEWORK ASSIGNMENTS AND TO ENSURE THAT PARENTS RECEIVE ACTUAL NOTICE OF A STUDENT'S EXPULSION OR SUSPENSION FROM SCHOOL.

Referred to the **Education/Public Instruction Committee**.

H.B. 1750, A BILL TO BE ENTITLED AN ACT TO CHANGE THE PENALTY FOR GIVING FALSE OR FICTITIOUS INFORMATION IN AN APPLICATION FOR A SPECIAL IDENTIFICATION CARD.

Referred to the **Judiciary I Committee**.

H.B. 1786 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PROMOTERS OF TOUGHMAN MATCHES IN NORTH CAROLINA TO ACQUIRE LIABILITY INSURANCE.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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H.B. 1790 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TASK FORCE TO STUDY WHETHER THE COMPULSORY SCHOOL AGE SHOULD BE RAISED AND TO DEVELOP A COMPREHENSIVE PLAN AND TIME LINE TO RAISE THE AGE TO EIGHTEEN AND THE GRADUATION RATE TO ONE HUNDRED PERCENT.

Referred to the **Rules and Operations of the Senate Committee**.

H.J.R. 1906 (Committee Substitute), A JOINT RESOLUTION URGING THE UNITED STATES NAVY TO FIND A MORE SUITABLE LOCATION THAN WASHINGTON, BEAUFORT, AND PERQUIMANS COUNTIES TO BUILD ITS OUTLYING LANDING FIELD.

Referred to the **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee**:

H.B. 1473 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE EXPANSION AND BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES; TO EXTEND THE STATE SALES TAX RATE AT 4.25% UNTIL JULY 1, 2009; TO EXTEND THE UPPER INCOME TAX RATE AT 8% THROUGH 2009; TO UPDATE THE INTERNAL REVENUE CODE REFERENCE; TO PROVIDE INDIVIDUAL AND BUSINESS TAX RELIEF THROUGH A REFUNDABLE EARNED INCOME TAX CREDIT, A MEANS-TESTED LONG-TERM CARE INSURANCE TAX CREDIT, AN ADOPTION TAX CREDIT, A CONVERSION OF THE SALES TAX ON SOFTWARE PUBLISHERS' MACHINERY AND EQUIPMENT TO A PRIVILEGE TAX AT THE RATE OF 1% WITH AN \$80 CAP, TO RAISE THE EXEMPTION AMOUNT FOR SCHOOL INSTRUCTIONAL MATERIALS DURING THE SALES TAX HOLIDAY, AN INCREASED TAX CREDIT FOR QUALIFIED R&D EXPENSES, AN ENHANCEMENT OF THE TAX CREDIT FOR CONSTRUCTING RENEWABLE FUEL FACILITIES, AN EXPANSION OF THE SALES AND USE TAX REFUND FOR AIRCRAFT MANUFACTURING TO INCLUDE AIRCRAFT PARTS, AN ENHANCEMENT OF THE SALES TAX HOLIDAY, AND AN ADJUSTMENT TO THE TAX RATE ON PROPERTY COVERAGE INSURANCE CONTRACTS; TO SET THE INSURANCE REGULATORY CHARGE, TO SET THE PUBLIC UTILITY REGULATORY FEE, TO INCREASE CERTAIN FEES TO SUPPORT RECEIPT-SUPPORTED SERVICES, TO PROVIDE FOR THE FINANCING OF VARIOUS HIGHER EDUCATION AND STATE FACILITIES; AND FOR OTHER PURPOSES, with an unfavorable report as to Committee Substitute bill No. 2, but favorable

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as to Senate Committee Substitute bill as amended with Committee Amendments No. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30492, as amended by the Appropriations/Base Budget Committee, which changes the title to read **H.B. 1473** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee** and upon a favorable report re-referred to the **Finance Committee**.

By Senator Dalton and Senator Hagan for the **Pensions & Retirement and Aging Committee**:

H.B. 1473 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with a favorable report.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Hoyle for the **Finance Committee**:

H.B. 1473 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with an unfavorable report as to 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, 30493, is adopted and engrossed.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 11:00 P.M.

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SEVENTY-THIRD DAY

Senate Chamber
Wednesday, May 30, 2007

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, last night Senator Basnight in his words to the pages advised them that this week would be an excellent opportunity for them to learn as they listen to the debate of the Senate's version of the state budget proposal. Because every member has strong convictions about this bill, remind us that sometimes we are so earnestly talking in order to make our point, that we don't hear people trying to agree with us. Give us all a few moments of quiet now so that we may hear your word to us. Without attentiveness to you, O God, we rarely hear anything worth relating or catch a vision worth asking anyone else to consider. Amen."

The Chair grants a leave of absence for today to Senator Jacumin.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, May 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Cammy Benton from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 624, AN ACT PROVIDING THAT GATES COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1473 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, upon second reading.

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Senator Goss offers Amendment No. 1 which is adopted (39-10).

Senator Goss offers Amendment No. 2 which is adopted (49-0).

Senator Purcell offers Amendment No. 3.

Senator Rand calls the previous question on the adoption of Amendment No. 3, seconded by Senator Clodfelter, which motion prevails (49-0).

Amendment No. 3 is adopted (49-0).

Senator Stevens offers Amendment No. 4.

Senator Rand calls the previous question on the adoption of Amendment No. 4, seconded by Senator Clodfelter, which motion prevails (49-0).

Amendment No. 4 is adopted (49-0).

The Senate recesses at 1:36 P.M. with H.B. 1473, pending upon second reading, 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.

CALENDAR *(continued)*

H.B. 1473 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, upon second reading.

Senator Berger of Rockingham offers Amendment No. 5.

Senator Rand offers Amendment No. 6 as a Substitute Amendment for Amendment No. 5.

Amendment No. 6 is adopted (30-18).

Senator Rand calls the previous question on the passage of the bill, seconded by Senator Clodfelter, which motion prevails (48-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: Senators Brock and Goodall---2.

The Senate Committee Substitute bill No. 2, as amended, remains on the Calendar for Thursday, May 31, upon third reading.

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns at 2:07 P.M. to meet Thursday, May 31, at 10:00 A.M.

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SEVENTY-FOURTH DAY

Senate Chamber
Thursday, May 31, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by Dr. James A. Brice, Jr., Covenant Love Family Church, Fayetteville, North Carolina as follows:

"Our most gracious and merciful Heavenly Father, I thank you for each man and woman here today who has committed themselves to serve the people of the great and blessed State of North Carolina. I pray that you will give them the spirit of wisdom, discretion, and understanding as they oversee and direct the affairs of our State. Enable them to settle all things on the best and surest foundations of truth, justice, religion, and piety. Bless their minds that they will be able to understand and choose what is right, just, fair, and to see every good path in accordance with your will. Keep their bodies healthy and their minds sharp. Protect them and their families from harm and evil. Shower down upon them blessings for their unselfish service and unwavering commitment to duty and responsibility. Bless and prosper our State. Send rain at the appropriate times and keep our land from drought, famine, and pestilence. Save us from all our enemies, for we declare that you are our refuge and fortress. Protect and safeguard the military men and women here in our State, Nation, and especially those fighting in the theaters of war. May your favor rest upon us. May you establish the work of our hands, and the joy and peace of your presence abide with us forever. We ask all this in the name of your dear son, Jesus Christ. Amen."

The Chair grants leaves of absence for today to Senator Basnight, Senator Boseman, Senator Garrou, Senator Hoyle, Senator Jacumin and Senator Pittenger.

Senator Rand announces that the Journal of Wednesday, May 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Jason Hack from Greenville, 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:

May 31, 2007

S.B. 624, AN ACT PROVIDING THAT GATES COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER. (Became law upon ratification, May 30, 2007 - S.L. 2007-58.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1473 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, as amended on second reading, upon third reading.

Senator Brock announces a pair vote. If Senator Basnight were present, he would vote "aye"; Senator Brock votes "no".

Senator Goodall announces a pair vote. If Senator Garrou were present, she would vote "aye"; Senator Goodall votes "no".

The Senate Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goss, Graham, Hagan, Hartsell, Hunt, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---41.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2, as amended, is ordered engrossed sent to the House of Representatives by special message for concurrence.

PERSONAL PRIVILEGE

Upon motion of Senator Shaw, Senator Clodfelter's remarks on the Mecklenburg Resolves are spread upon the Journal, as follows:

Senator Clodfelter:

"Members of the Senate, about six weeks ago Senator Jones spoke to us about the significance of the date April 12, 1776. That is one of the two dates that appears on our State flag. I want to say something about the second of the dates that appears on the State flag, May 20, 1775. Now you can ask why I am doing that today because I am eleven days late, but I will tell you that I am not late because what I want to tell you about that other date on the flag is I want to talk a little bit about May 31, 1775, and what happened on that date. There is a lot of debate and you can take whatever side you wish and I'm not going to get into it. Many have spoken about it on this Chamber floor and across the hall

May 31, 2007

over the course of the years about May 20, but it is incontrovertible that on May 31 of 1775, the citizens of Mecklenburg County met at the courthouse in Charlotte and they declared on that day an independent government, independent of the authority of the crown and parliament and of the Provincial Congress of North Carolina. I used to think, until I did a little history reading, that the slur 'The Great State of Mecklenburg' was a modern invention as a way of making jest and fun of the pretenses of the County I represent. But then I learned it was actually derived from historical fact. For a period of about eleven months, the citizens of Mecklenburg County existed under a government established by themselves independently of any other authority. It is incontrovertible that on that date they passed a series of Resolves known as the Mecklenburg Resolves and they were published contemporaneously. So we don't have to look for the original copy. We know it exists. It was published in the *North Carolina Gazette* and in the *Cape Fear Mercury* and was circulated widely throughout the colonies. We know it existed because in response to the Resolves, North Carolina's three representatives to the Continental Congress wrote a letter of congratulations and commendation to the citizens of Mecklenburg County. I'm not going to read you all of the Resolves, but I do want to read you the first three because I want you to understand that I'm not really manufacturing this. This is actually what happened. The Resolves, after reciting the events that had happened in Lexington and Concord and the actions of the British Parliament, began as follows: Number 1: 'That all commissions, civil and military, heretofore granted by the Crown to be exercised in this colony are null and void and the Constitution of each particular colony is wholly suspended.' By that Resolution, they divested from office all persons holding office under the authority of the Parliament and the King. Number 2: 'That the Provincial Congress of each Province under the direction of the Great Continental Congress is invested with all legislative and executive powers within their respective Provinces and no other legislative or executive does or can exist at this time in any of these colonies.' By that act, they declared the supremacy of the Provincial Congress in Halifax and of the Continental Congress in Philadelphia. Number 3: 'As all former laws are now suspended in this Province and the Congress has not yet provided for other laws, we judge it necessary for the better preservation of good order to form certain rules and regulations for the internal government of this County until laws be provided for us by the Congress.' There followed a series of Resolves by which a system of courts was established, by which the jurisdiction of those courts was declared, by which officers of the peace were appointed and established, by which an army was organized and constituted, its officers were named, by which funds were levied and money was appropriated to raise an army and to fund the purchase of ammunition and supplies. In 1819 writing to Thomas Jefferson, John Adams said in a letter that no where else in the American Colonies was the spirit of that time, after Lexington and Concord, better expressed than in Mecklenburg County in May of 1775. I ask you to remember the Mecklenburg Resolves."

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Upon motion of Senator Rand, seconded by Senator Jones, the Senate adjourns subject to reading of messages from the House of Representatives and referral of bills, to meet Monday, June 4, 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
May 30, 2007

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. 564**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BRUNSWICK COUNTY ALCOHOLIC BEVERAGE CONTROL SYSTEM TO RELOCATE A STORE TO A NEW LOCATION WITHIN SEVEN MILES OF ANOTHER ALCOHOLIC BEVERAGE CONTROL STORE IN BRUNSWICK COUNTY.

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
May 31, 2007

Madame President:

Pursuant to the message from the House of Representatives on May 30, 2007, informing the Senate that the House of Representatives failed to concur in the Senate Committee Substitute for **H.B. 564**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BRUNSWICK COUNTY ALCOHOLIC BEVERAGE CONTROL SYSTEM TO RELOCATE A STORE TO A NEW LOCATION WITHIN SEVEN MILES OF ANOTHER ALCOHOLIC BEVERAGE CONTROL STORE IN BRUNSWICK COUNTY, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives requests conferees.

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Speaker Hackney has appointed:

Representative Hill, Chair
Representative Cole
Representative Sutton
Representative Gibson, 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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 34 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICIAL DUTIES, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for Monday, June 4, for concurrence.

S.B. 567 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE DISTRIBUTION OF E-BLEND FUELS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Monday, June 4, for concurrence.

S.B. 570 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWNS OF CRAMERTON AND WATHA, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for Monday, June 4, for concurrence.

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S.B. 1132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN STATE GOVERNMENT BY ESTABLISHING A PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Monday, June 4, for concurrence in House Amendment No. 1.

H.B. 1144, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA.

Referred to the **Finance Committee**.

H.B. 1595 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AGRICULTURAL GROWTH ZONES AND TO ALLOW MORE THAN ONE AGRARIAN GROWTH ZONE IN A COUNTY.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 4:07 P.M.

SEVENTY-FIFTH DAY

Senate Chamber
Monday, June 4, 2007

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, while others struggle, Sandy Basnight continues her courageous battle against illness. Senator Basnight is with her as are we with our prayers of support. Sometimes, O God, we live by going through the motions. We look very busy. We haven't a moment to spare, but the reality is that we've lost our sense of smell and taste for life. This week, rather than just get through life or view it through glazed eyes, let us live it with clarity and purpose and because we are grateful to you, with some joy. Those of us who have watched participants in the Special Olympics of North Carolina know the enthusiasm and joy of what I speak. Amen."

June 4, 2007

The Chair grants leaves of absence for tonight to Senator Albertson, Senator Basnight, Senator Boseman, Senator Cowell, Senator Dalton, Senator Dannelly, Senator Forrester, Senator Goodall and Senator Graham.

Senator Rand announces that the Journal of Thursday, 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 privileges of the floor to Dr. Ian Martin from Durham, North Carolina, who is serving the Senate as Doctor of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 260, AN ACT TO ENSURE THAT EDUCATIONAL MATERIALS ARE PROVIDED SO THAT SCHOOLS PROVIDE INFORMATION TO PARENTS AND GUARDIANS CONCERNING CERVICAL CANCER, CERVICAL DYSPLASIA, HUMAN PAPILOMAVIRUS, AND THE VACCINES AVAILABLE TO PREVENT THESE DISEASES. (Became law upon approval of the Governor, May 31, 2007 - S.L. 2007-59.)

S.B. 1354, AN ACT TO ALLOW THE NORTH CAROLINA NATIONAL GUARD TO OPERATE POST EXCHANGES. (Became law upon approval of the Governor, May 31, 2007 - S.L. 2007-60.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Select Committee on Government and Election Reform**:

H.B. 91 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80448, is adopted and engrossed.

The Senate recesses at 7:05 P.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 7:10 P.M.

June 4, 2007

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 Rand for the **Rules and Operations of the Senate Committee:**

S.J.R. 97 (Committee Substitute), A JOINT RESOLUTION HONORING NORTH CAROLINA NATIVES DON GIBSON AND EARL SCRUGGS, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 55509, is adopted and engrossed.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 567 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE DISTRIBUTION OF E-BLEND FUELS, for concurrence.

Upon motion of Senator Rand, the House Committee Substitute bill No. 2 is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, June 5, for concurrence.

S.B. 570 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWNS OF CRAMERTON AND WATHA, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, Clodfelter, Dorsett, East, Foriest, Garrou, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---40.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Tuesday, June 5, for concurrence upon third reading.

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S.B. 34 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICIAL DUTIES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill (40-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 1132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN STATE GOVERNMENT BY ESTABLISHING A PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY, for concurrence in House Amendment No. 1.

Upon motion of Senator Clodfelter, the Senate concurs in House Amendment No. 1 (40-0) and the measure is ordered enrolled and sent to the Governor.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Hannah Acuff, Spruce Pine; Paul Blake IV, Wilson; Jaynee Boyd, Belhaven; Bo Brandt, Raleigh; Forrest Brandt, Raleigh; Hal Cooley III, Raleigh; Rachel Cooley, Raleigh; Grace Cowan, Rutherfordton; Logan Dawson, Goldsboro; David Eick, Cary; John Eick, Cary; Jasmine Gibson, Raleigh; Tenise Henson, Raeford; Meredith Hermann, Raleigh; Nathan Honaker, Raleigh; Olivia Hyatt, Marshville; Lydia Joslin, Raleigh; Melita Lewis, Winton; Joshua Ludwig, Wake Forest; Carter Malmo, Winston-Salem; David Mok-Lamme, Grand Junction, Colorado; Emmie Perry, Wake Forest; Kiers Stricklen, Garner; Coty Stroud, Trenton; Kenille Sumler, Raeford; and Reddin Woltz, Mount Airy.

WITHDRAWAL FROM COMMITTEE

H.B. 696, A BILL TO BE ENTITLED AN ACT TO ENSURE FAMILY SUPPORT GRANTS ARE PROVIDED TO COMMUNITY-BASED AGENCIES TO IMPLEMENT ONLY FAMILY SUPPORT PROGRAMS THAT ARE RESEARCH-BASED AND HAVE BEEN EVALUATED FOR EFFECTIVENESS UNDER THE LAWS PERTAINING TO THE FAMILY RESOURCE CENTER GRANT PROGRAM, referred to the **Appropriations/Base Budget Committee** on April 4.

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.

June 4, 2007

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **State & Local Government Committee**.

Upon motion of Senator Rand, seconded by Senator Swindell, the Senate adjourns at 7:20 P.M. to meet Tuesday, June 5, at 3:00 P.M.

SEVENTY-SIXTH DAY

Senate Chamber
Tuesday, June 5, 2007

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 Linda Garrou, Senator from Forsyth County, as follows:

"Holy God, giver of all life, hold close, allow us to stand in your presence. Keep us ever mindful that we, who are such inhabitants of time, realize that our days are short and that our true life is to be lived in eternity with you. We give you thanks for each day and the blessings it brings. With grateful hearts we ask these things in your holy name. Amen."

The Chair grants leaves of absence for today to Senator Basnight and Senator Forrester.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, June 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 34, AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR

June 5, 2007

OTHER CRIMINAL OFFENSES THAT A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICIAL DUTIES.

S.B. 197, AN ACT TO REPEAL THE SUNSET OF THE 2005 AMENDMENTS TO THE LAW THAT STRENGTHENED THE PROTECTION OF CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS.

S.B. 1132, AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN STATE GOVERNMENT BY ESTABLISHING A PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY.

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. 1168, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION. (Res. 37)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 831, A BILL TO BE ENTITLED AN ACT STREAMLINING LOCAL GOVERNMENT REGULATION OF WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES AND THE COLLOCATION OF WIRELESS 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 55512, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator East for the **State & Local Government Committee**:

H.B. 203, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SEASON FOR TAKING RABBITS IN JOHNSTON COUNTY TO COINCIDE WITH THE RABBIT SEASON IN THE OTHER COUNTIES OF THE STATE, with a favorable report.

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H.B. 548 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MAYOR OF THE CITY OF BREVARD IS ELECTED TO A FOUR-YEAR TERM, AND TO MAKE CONFORMING CHANGES CONCERNING FILLING OF VACANCIES, with a favorable report.

H.B. 827, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CARY AND WAKE FOREST TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THEIR HISTORIC DISTRICTS, with a favorable report.

By Senator Nesbitt for the **Judiciary I Committee**:

H.B. 784, A BILL TO BE ENTITLED AN ACT TO AMEND THE FIRST DEGREE MURDER STATUTE TO CONFORM WITH THE UNITED STATES SUPREME COURT RULING IN ROPER V. SIMMONS THAT THE EXECUTION OF A DEFENDANT WHO WAS UNDER EIGHTEEN YEARS OF AGE AT THE TIME OF THE MURDER IS UNCONSTITUTIONAL AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT, with a favorable report.

H.B. 1227 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT EXEMPTING NEW HANOVER REGIONAL MEDICAL CENTER, A NEW HANOVER COUNTY HOSPITAL, FROM STATUTORY REQUIREMENTS GOVERNING PUBLIC CONTRACTS, 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 80450, is adopted and engrossed.

H.B. 1519 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW PERTAINING TO THE RESOLUTION OF DISPUTES BETWEEN THE BOARD OF EDUCATION AND THE BOARD OF COUNTY COMMISSIONERS REGARDING SCHOOL FUNDING, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30494, is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1131 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on the calendar for immediate consideration upon concurrence.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill (43-2) and the bill is ordered enrolled and sent to the Governor by special message.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 1131, AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 570 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWNS OF CRAMERTON AND WATHA, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces the appointment of Senator Dalton, Chair; Senator Bingham; Senator Dorsett; Senator Hoyle; Senator Albertson; and Senator Queen as the Committee to escort Mr. Earl Scruggs, Mrs. Bobbie Gibson, wife of the late Don Gibson, and guests to the Well of the Senate.

CALENDAR (*continued*)

S.J.R. 97 (Committee Substitute), A JOINT RESOLUTION HONORING NORTH CAROLINA NATIVES DON GIBSON AND EARL SCRUGGS.

June 5, 2007

Upon motion of Senator Dalton, the Committee Substitute bill is read in its entirety and, upon motion of Senator Dannelly, the remarks of the Members are spread upon the Journal, as follows:

Senator Dalton

“Thank you, Madame President, and members of the Senate. Now Cleveland County has always been proud of the fact that it has been the home to two Governors, but the names Huey and Gardner do not resonate throughout the world like the names of these two gentlemen that we honor today who are also natives of Cleveland County, Don Gibson and Earl Scruggs. The editor of the *Shelby Star* told me she was traveling in Europe and was in Denmark and they were trying to communicate with the Danes. They asked where she was from and she was trying to tell them where Shelby was and when she said it’s the home place of Earl Scruggs, there was an immediate recognition, an immediate appreciation and that person was obviously a fan. She also said it’s the home of Don Gibson. There was a hesitancy and then she started to sing, ‘I Can’t Stop Loving You.’ There was immediate recognition and immediate appreciation and obviously that person was a fan. These are two great North Carolinians who have made a great mark in the music industry and have carried their heritage from North Carolina very well. Don Gibson certainly is one of the greatest singers and songwriters of all time. He wrote over eighty songs that made the charts. His first number one was, ‘Oh, Lonesome Me,’ and the other song that is most recognizable is ‘I Can’t Stop Loving You.’ You may not know, but I just found out today that he wrote both of those songs on the same day and for your information ‘I Can’t Stop Loving You’ was the B side of the record. He is a member of the Songwriters Hall of Fame and obviously Elvis, Ray Charles, Charlie Albertson, along with about 700 other people, have performed ‘I Can’t Stop Loving You.’ Don is a member of the Songwriters Hall of Fame, the Country Music Hall of Fame and his widow, Bobbie, is with us today and we thank you for being here. Earl Scruggs is known internationally. He is in the Country Music Hall of Fame and the International Blue Grass Hall of Fame. He has received the National Heritage Fellowship Award, the President’s National Medal of Arts and has a Star on the Hollywood Hall of Fame. He won four Grammys but has been nominated for many, many more than that. It’s quite an impressive resume for a young man from Cleveland County. I thought it was particularly poignant that he grew up in a family that appreciated music and played instruments. His father played the banjo and the fiddle but he never got the opportunity to hear his father play and the banjo became his companion and it became his therapy and if you read the biography, at the age of ten he came running out of a room, saying ‘I’ve got it, I’ve got it!’ and it was the three-fingered style of banjo picking that has become known as the Scruggs style of picking that revolutionized Blue Grass music. He grew up there, worked in the textile mill helping to support the family. In 1945 he joined Bill Monroe and the Blue Grass Boys and in 1948 joined with Lester Flatt and the Foggy Mountain Boys. In 1963 the ‘Battle of Jed Clampett’ made it to number one, the first Blue Grass team to have a number one song. In 1969, I think it had to be very

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rewarding, he created the Earl Scruggs review and began to tour with his two sons, Gary and Randy, and Gary is with us today. If any of you have recently been to the North Carolina Symphony, they're doing a program called 'Blue Skies Red Earth' and to hear the North Carolina Symphony play 'Foggy Mountain Breakdown' is something to behold but I think that is a great tribute to Earl, too, in the diversity that he creates with his music. The Destination Cleveland County is hoping to form a museum in Cleveland County called The Southern Music Heritage Museum to honor Don Gibson and Earl Scruggs for all they have done to preserve this great music. The Center for the Study of the American South at UNC-Chapel Hill has been talking to them today and is very interested in this heritage. We have people like Bob Dylan, Elton John, Sting, Vince Gill and others who have taken an interest in this project because these are the icons of the music industry. These are the people who laid the foundation for them so they are very appreciative of these two icons and I am very appreciative of them. I'm appreciative that Mrs. Gibson and Earl took the time to be here today and I ask that you support the resolution."

Senator Albertson:

"I have to say that of the nineteen years I've been here, this is one of the most exciting days that I've seen and that is to have Bobbie, the wife of Don Gibson, here and, of course, the great Earl Scruggs. What wonderful, truly great wonderful musicians they are and wonderful people, as well. I was trying to think of some things in the resolution that Walter didn't talk about. I talked to my good friend, Jimmy Capps, over in Nashville today. Jimmy lives down the road here and came from Benson and, of course, he's a regular player on the Grand Ole Opry and he knows all these people very well. He and I were just reminiscing about some of the things for which both these artists are well known. Jimmy reminded me he thought he was right when he said that Don got started on a little radio station over in Knoxville, KNOX, and they were doing a daily radio show called Midday Merry-go-Round and, of course, he went on from there to Nashville. He was one of the few people that I know that played the sessions, played rhythm guitar in his own recording sessions. That was quite unusual for somebody to do that. Not only was he a great singer and a songwriter but he was a great guitar player and he played one of those guitars that had the F-holds in it which was quite unusual. I think they called it a Gibson Super 400 which again was unusual for someone to play. I think I'm right when I say I think he was second to Hank Williams in the number of songs that he had written and had recorded. Now I sang all of his songs a lot of times, 'Oh, Lonesome Me', 'I Can't Stop Loving You', but I could not do it like he did. He was so great and I have nothing but wonderful memories of him. Earl Scruggs, my gracious, I remember when I was a young fellow and Earl you were playing on WPTF and we would get up early in the morning and try to catch that morning show on WPTF and then we would come out at noontime and we'd make sure we would go to the house in time to hear that broadcast again from WPTF. You know, back at that time, Madame President, folks didn't have a lot of anything. So while music is even important to all of us today, I think it was

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probably even more important back in those days because we worked hard and we looked forward to hearing that music early in the morning and at noontime. I was talking with Earl earlier and I remember when he came down to Beulaville to Beulaville High School and he would tell me it was kind of a seasonal thing. In the summertime people were out in the fields working and when it started cooling off in the fall we would all flock to the schoolhouses wherever they happened to be so we would make sure we could take in that good show they always had. A lot has been said about Earl and his ability to play his old particular unique style. I've heard a lot of people imitate his style, but I have never heard anyone, Earl, that could play it with the feel and just the way you played it. No one else has been able to do that. He had a real unique sound and, as Walter said, he completely revolutionized banjo playing as we knew it. I think I'm right when I say, Earl, you correct me if I'm wrong, you had the first syndicated TV show if I remember correctly and I will always remember that famous Martha White theme song. I learned that and sung that many times, as well. Everybody has heard the Martha White theme song. We are really honored to have all of you here today. I would say one other thing. I remember when I was a young fellow, we would try to pick up the Grand Ole Opry on a Saturday night and when we had difficulty getting a clear channel, sometimes we couldn't hear it real well but we would get us a bucket of water and play on that ground cable and that connected that thing to the ground to try to get better reception. Now when that thing came in everybody got quiet and what a wonderful time it was. Don Gibson, Bobbie, thank you for being here and thank you for his great music. Earl, we will always be grateful for your contribution and please know all of you have made us proud. We are delighted to have you here today and I commend this resolution to you."

Senator Bingham:

I'd just like to say, Mr. Scruggs, that I equate you for the reason I'm here! The reason I say that is that in 1970 the Earl Scruggs style and all the various music that you played inspired this Country, but not only this Country, but all over the world. I became very interested in the banjo and was working in Oregon fighting forest fires and bought a five-string banjo there and began to try to learn to play. Of course, this man is very giving in the fact that a lot of you don't know but he wrote a book that was very helpful to young aspiring musicians like I was that didn't have any talent but were willing to make a lot of sacrifices and spend a lot of time. I later left America and went to Australia. I had to ship my banjo back because it weighed about thirty pounds. It was a Gibson and you know how heavy they are. So I bought a folk banjo when I was in Australia and it was amazing when I would go anywhere, I had begun to play some and, of course, Pete Seeger was another person who played a lot of folk-type music, but when I told folks that I met and began to play it got to a point where they could barely stand to listen to me play without getting a headache! They would ask where I was from and I would say North Carolina and they didn't want to know who the governor was, they wanted to know if I knew Earl Scruggs. I traveled in many other countries and all over Australia and any time

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I'd mention North Carolina, Mr. Scruggs, they would want to know if I knew you. It's a great pleasure for me to be in your presence today because I later played music all over the area that I'm from. We played at a lot of parties and had a good time and made a lot of friends and I think because of that they thought I was a half way good banjo player but I must say they weren't familiar with you. There was one song that we always enjoyed playing and that one was 'Hot Corn, Cold Corn' and that song, I don't know how many of you are familiar with it, but this is about corn liquor and a little bottle called a demijohn. That was Hot Corn, Cold Corn, bring along your demijohn! The part that was wonderful to me was the part that said, 'Here comes the preacher and the children are a-cryin' here comes the preacher and the children are a-cryin', the chickens are a hollering and the toenails are a-flyin.' Yes sir, that was wonderful. Everywhere we played they wanted to hear that song and many of your other songs that you wrote and played and I appreciate you so much, Mr. Scruggs. It is an honor to be able to speak to you personally here and I hope I can get a picture with you before you leave today. Thank you, Madame President."

Senator Rand:

"Madame President, let me say one thing if I may. I went to Carolina in the fall of 1957 and I figured I would learn a lot of things up there and I did. One of the most important things I learned was a great love for Blue Grass music. Some fellow from Atlanta had a recording of the 'Foggy Mountain Breakdown' and that became sort of an anthem for our fraternity. I never thought that I'd hear that Sting was singing with you but I reckon if you live long enough you'll hear most anything in this world. My mother was a piano teacher and I loved music. I couldn't play a lick but I loved music and it was a great thing for me to hear that music and it is uniquely North Carolina, I think, and we are delighted that you are here today and that we can honor you. We are delighted that you have meant so much to so many people all over the world. It's been a wonderful, wonderful thing for us and I hope it has been a wonderful thing for you because we owe you a great deal. Of course, I loved Don Gibson, too. Lord, we are fortunate in North Carolina to have such wonderful people so thank you for coming today."

Mr. Earl Scruggs:

"Thank you. I want you folks to know that I am really delighted and pleased to be here. I've been in a lot of other states at a lot of other times, but my heart is always in North Carolina so it's good to be back here with Mrs. Gibson and Gary, my son, and everybody. Thank you very much. I appreciate everything."

The Chair grants a leave of absence for the remainder of today's session to Senator Cowell.

The joint resolution passes its second reading (46-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

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Upon motion of Senator Dalton the Chair extends the privileges of the floor to Mr. Earl Scruggs; Gary Scruggs, son; J.T. Scruggs, nephew; Mrs. Bobbie Gibson, wife of the late Don Gibson; Ms. Marta Holden; Ms. Brownie Plaster; and Hugh Howell, family friend. The Chair extends the courtesies of the gallery to Mr. Doug Brown and Mr. Robin Hendrick.

H.B. 91 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 6.

S.B. 567 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE DISTRIBUTION OF E-BLEND FUELS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill No. 2 (47-0) and the bill is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1559, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF LEE COUNTY ON THE COUNTY'S ONE HUNDREDTH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on April 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 Monday, June 11, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, June 11.

S.J.R. 889, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BROADWAY ON THE TOWN'S CENTENNIAL ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on March 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, June 11, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, June 11.

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APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 564 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BRUNSWICK COUNTY ALCOHOLIC BEVERAGE CONTROL SYSTEM TO RELOCATE A STORE IN SUPPLY AND A STORE IN SUNSET BEACH TO A NEW LOCATION WITHIN SEVEN MILES OF ANOTHER ALCOHOLIC BEVERAGE CONTROL STORE IN BRUNSWICK COUNTY.

Pursuant to the message from the House of Representatives received Thursday, May 31, that the House fails to concur in the Senate Committee Substitute bill for H.B. 564 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Soles, Chair; Senator Albertson; Senator Jenkins; 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.

Upon motion of Senator Dannelly, seconded by Senator Shaw, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Wednesday, June 6, at 3:00 P.M.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 1456 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN TANDEM VEHICLE COMBINATIONS TO OPERATE ON HIGHWAYS WITHIN THE STATE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, June 6, for concurrence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 4, 2007

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. 1473** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE EXPANSION AND BASE BUDGET APPROPRIATIONS

June 5, 2007

FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES; TO EXTEND THE STATE SALES TAX RATE AT 4.25% UNTIL JULY 1, 2009; TO EXTEND THE UPPER INCOME TAX RATE AT 8% THROUGH 2009; TO UPDATE THE INTERNAL REVENUE CODE REFERENCE; TO PROVIDE INDIVIDUAL AND BUSINESS TAX RELIEF THROUGH A REFUNDABLE EARNED INCOME TAX CREDIT, A MEANS-TESTED LONG-TERM CARE INSURANCE TAX CREDIT, AN ADOPTION TAX CREDIT, A CONVERSION OF THE SALES TAX ON SOFTWARE PUBLISHERS' MACHINERY AND EQUIPMENT TO A PRIVILEGE TAX AT THE RATE OF 1% WITH AN \$80 CAP, TO RAISE THE EXEMPTION AMOUNT FOR SCHOOL INSTRUCTIONAL MATERIALS DURING THE SALES TAX HOLIDAY, AN INCREASED TAX CREDIT FOR QUALIFIED R&D EXPENSES, AN ENHANCEMENT OF THE TAX CREDIT FOR CONSTRUCTING RENEWABLE FUEL FACILITIES, AN EXPANSION OF THE SALES AND USE TAX REFUND FOR AIRCRAFT MANUFACTURING TO INCLUDE AIRCRAFT PARTS, AN ENHANCEMENT OF THE SALES TAX HOLIDAY, AND AN ADJUSTMENT TO THE TAX RATE ON PROPERTY COVERAGE INSURANCE CONTRACTS; TO SET THE INSURANCE REGULATORY CHARGE, TO SET THE PUBLIC UTILITY REGULATORY FEE, TO INCREASE CERTAIN FEES TO SUPPORT RECEIPT-SUPPORTED SERVICES, TO PROVIDE FOR THE FINANCING OF VARIOUS HIGHER EDUCATION AND STATE FACILITIES; AND FOR OTHER PURPOSES.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:53 P.M.

SEVENTY-SEVENTH DAY

Senate Chamber
Wednesday, June 6, 2007

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 Elizabeth McNair Ayscue, First Presbyterian Church, Albemarle, North Carolina, as follows:

June 6, 2007

"Gracious and loving God, far above us and yet always near to us, we come humbly before you today, grateful for your many gifts to us in the great State of North Carolina. We are thankful for the variety of natural resources we enjoy, for the diversity of the people with whom we share life, for the opportunities which abound and yes, O God, even for the challenges which are before us as a legislative body. As we come together on this afternoon, we pray you will give us your wisdom, a certain sense of your presence and the desire to do that which is pleasing in your sight. Make us willing to reach beyond our own narrow ways of thinking and to embrace your call to do justice, to love kindness and to walk humbly with you. In our deliberations, make us especially mindful of the young and old, the powerless and the disenfranchised that we may speak for them and act boldly on their behalf. To you, O God, we commit our work and our lives this afternoon. Make us faithful as we, through our deliberations and actions, seek to love you and to love our neighbors as ourselves. Amen."

The Chair grants leaves of absence for today to Senator Basnight, Senator East and Senator Kerr.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, 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 privileges of the floor to Dr. Douglas Sheets from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Clarann Hull from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

H.B. 1492 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF ANESTHESIOLOGIST ASSISTANTS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 485 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO ENSURE THAT STUDENTS IN GRADES NINE THROUGH TWELVE RECEIVE ANNUAL HEALTH INSTRUCTION INCLUDING INFORMATION ABOUT THE

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MANNER IN WHICH A PARENT MAY LAWFULLY ABANDON A NEWBORN BABY WITH A RESPONSIBLE PERSON, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70556, which changes the title upon concurrence to read **H.B. 485** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT STUDENTS IN GRADES NINE THROUGH TWELVE RECEIVE INFORMATION ANNUALLY ABOUT THE MANNER IN WHICH A PARENT MAY LAWFULLY ABANDON A NEWBORN BABY WITH A RESPONSIBLE PERSON, is adopted and engrossed.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 567, AN ACT TO FACILITATE THE DISTRIBUTION OF E-BLEND FUELS.

The Enrolling Clerk reports the following bill and joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 570, AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWNS OF CRAMERTON AND WATHA.

S.J.R. 97, A JOINT RESOLUTION HONORING NORTH CAROLINA NATIVES DON GIBSON AND EARL SCRUGGS. (Res. 38)

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. 1131, AN ACT ALLOWING A DISTRICT COURT JUDGE TO PERFORM MARRIAGE CEREMONIES. (Became law upon approval of the Governor, June 5, 2006 - S.L. 2007-61.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 91 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES.

June 6, 2007

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 12.

H.B. 203, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SEASON FOR TAKING RABBITS IN JOHNSTON COUNTY TO COINCIDE WITH THE RABBIT SEASON IN THE OTHER COUNTIES OF THE STATE.

The bill passes its second and third readings and is ordered enrolled.

H.B. 548 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MAYOR OF THE CITY OF BREVARD IS ELECTED TO A FOUR-YEAR TERM, AND TO MAKE CONFORMING CHANGES CONCERNING FILLING OF VACANCIES.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered enrolled.

H.B. 827, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF CARY AND WAKE FOREST TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THEIR HISTORIC DISTRICTS.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1227 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING NEW HANOVER REGIONAL MEDICAL CENTER, A NEW HANOVER COUNTY HOSPITAL, FROM STATUTORY REQUIREMENTS GOVERNING PUBLIC CONTRACTS.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 784, A BILL TO BE ENTITLED AN ACT TO AMEND THE FIRST DEGREE MURDER STATUTE TO CONFORM WITH THE UNITED STATES SUPREME COURT RULING IN *ROPER V. SIMMONS* THAT THE EXECUTION OF A DEFENDANT WHO WAS UNDER EIGHTEEN YEARS OF AGE AT THE TIME OF THE MURDER IS UNCONSTITUTIONAL AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT.

The bill passes its second (44-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1519 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW PERTAINING TO THE RESOLUTION OF DISPUTES BETWEEN THE BOARD OF EDUCATION AND THE BOARD OF COUNTY COMMISSIONERS REGARDING SCHOOL FUNDING.

June 6, 2007

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.

S.B. 1456 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN TANDEM VEHICLE COMBINATIONS TO OPERATE ON HIGHWAYS WITHIN THE STATE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 5, 2007

Madame President:

Pursuant to the message from the House of Representatives on Monday, June 4, 2007, informing the Senate that the House of Representatives failed to concur in the Senate Committee Substitute for **H.B. 1473** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE EXPANSION AND BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES; TO EXTEND THE STATE SALES TAX RATE AT 4.25% UNTIL JULY 1, 2009; TO EXTEND THE UPPER INCOME TAX RATE AT 8% THROUGH 2009; TO UPDATE THE INTERNAL REVENUE CODE REFERENCE; TO PROVIDE INDIVIDUAL AND BUSINESS TAX RELIEF THROUGH A REFUNDABLE EARNED INCOME TAX CREDIT, A MEANS-TESTED LONG-TERM CARE INSURANCE TAX CREDIT, AN ADOPTION TAX CREDIT, A CONVERSION OF THE SALES TAX ON SOFTWARE PUBLISHERS' MACHINERY AND EQUIPMENT TO A PRIVILEGE TAX AT THE RATE OF 1% WITH AN \$80 CAP, TO RAISE THE EXEMPTION AMOUNT FOR SCHOOL INSTRUCTIONAL MATERIALS DURING THE SALES TAX HOLIDAY, AN INCREASED TAX CREDIT FOR QUALIFIED R&D EXPENSES, AN ENHANCEMENT OF THE TAX CREDIT FOR CONSTRUCTING RENEWABLE FUEL FACILITIES, AN EXPANSION OF THE SALES AND USE TAX REFUND FOR AIRCRAFT MANUFACTURING TO INCLUDE AIRCRAFT PARTS, AN ENHANCEMENT OF THE SALES TAX HOLIDAY, AND AN ADJUSTMENT TO THE TAX RATE ON PROPERTY COVERAGE INSURANCE CONTRACTS; TO SET THE INSURANCE REGULATORY CHARGE, TO SET THE PUBLIC UTILITY REGULATORY FEE, TO

June 6, 2007

INCREASE CERTAIN FEES TO SUPPORT RECEIPT-SUPPORTED SERVICES, TO PROVIDE FOR THE FINANCING OF VARIOUS HIGHER EDUCATION AND STATE FACILITIES; AND FOR OTHER PURPOSES, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives requests conferees.

Speaker Hackney has appointed:

Representative Michaux, Co-Chair
Representative Adams, Co-Chair
Representative Alexander, Co-Chair
Representative Crawford, Co-Chair
Representative Haire, Co-Chair
Representative Jeffus, Co-Chair
Representative Tolson, Co-Chair
Representative Yongue, Co-Chair
Representative Holliman, Co-Chair and
Representative Owens, Co-Chair

Subcommittee on Capital:

Representative Womble
Representative Allred
Representative Church
Representative Cunningham, and
Representative Ross

Subcommittee on Education:

Representative Glazier
Representative McLawhorn
Representative Rapp
Representative Bell
Representative Lucas
Representative Parmon
Representative Pate, and
Representative Tarleton

Subcommittee on General Government:

Representative Goforth
Representative Underhill
Representative Braxton
Representative Clary
Representative Fisher
Representative Pierce, and
Representative Tucker

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Subcommittee on Health and Human Services:

Representative Earle
Representative England
Representative Insko
Representative Barnhart
Representative Brisson, and
Representative Coleman

Subcommittee on Justice and Public Safety:

Representative Bordsen
Representative Love
Representative Goodwin
Representative Kiser
Representative Mobley
Representative Spear
Representative Sutton, and
Representative R. Warren

Subcommittee on Natural and Economic Resources:

Representative McAllister
Representative E. Warren
Representative Bryant
Representative Harrison
Representative Justice
Representative Wilkins, and
Representative Wray

Subcommittee on Transportation:

Representative Coates
Representative Cole
Representative Allen
Representative Blue
Representative Dickson
Representative T. Harrell
Representative Holmes
Representative Martin
Representative Saunders, and
Representative Williams

Subcommittee on Finance:

Representative Luebke
Representative Gibson
Representative Wainwright
Representative Weiss
Representative Carney
Representative Cotham

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Representative Faison
Representative Farmer-Butterfield
Representative Hall
Representative J. Harrell
Representative Hill
Representative Howard
Representative Jones
Representative McComas, and
Representative Ross

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 777 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR VIOLATING CERTAIN LAWS REGULATING CERTIFIED PUBLIC ACCOUNTANTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, June 7, for concurrence.

S.B. 1453 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE USE OF OYSTER SHELLS IN LANDSCAPING OR HIGHWAY BEAUTIFICATION PROJECTS BY THE DEPARTMENT OF TRANSPORTATION OR ANY OTHER GOVERNMENTAL UNIT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, June 7, for concurrence.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1473 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

Pursuant to the message from the House of Representatives received early today that the House fails to concur in the Senate Committee Substitute bill No. 2 for H.B. 1473 and requests conferees, Senator Dannelly, Deputy President *Pro*

June 6, 2007

Tempore, announces the appointment of Senator Dalton, Senator Garrou and Senator Hagan, Co-Chairs; Senator Albertson; Senator Apodaca; Senator Atwater; Senator Berger of Franklin; Senator Berger of Rockingham; Senator Bingham; Senator Boseman; Senator Brunstetter; Senator Clodfelter; Senator Cowell; Senator Dannelly; Senator Dorsett; Senator Foriest; Senator Goss; Senator Graham; Senator Hartsell; Senator Hoyle; Senator Jenkins; Senator Jones; Senator Kerr; Senator Kinnaird; Senator Malone; Senator McKissick; Senator Nesbitt; Senator Purcell; Senator Queen; Senator Rand; Senator Shaw; Senator Snow; Senator Soles; Senator Stevens; Senator Swindell; Senator Tillman; 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.

WITHDRAWAL FROM CALENDAR

S.J.R. 889, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BROADWAY ON THE TOWN'S CENTENNIAL ANNIVERSARY, placed earlier on the Calendar for Monday, June 11.

Senator Rand offers a motion that the bill be withdrawn from the Calendar for Monday, June 11, 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 Calendar for Monday, June 11, and re-refers the measure to the **Rules and Operations of the Senate Committee**.

S.J.R. 1559, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF LEE COUNTY ON THE COUNTY'S ONE HUNDREDTH ANNIVERSARY, placed earlier on the Calendar for Monday, June 11.

Senator Rand offers a motion that the bill be withdrawn from the Calendar for Monday, June 11, 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 Calendar for Monday, June 11, and re-refers the measure to the **Rules and Operations of the Senate Committee**.

WITHDRAWAL FROM COMMITTEE

H.J.R. 868, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BROADWAY ON THE TOWN'S CENTENNIAL ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on April 17.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, June 11, which motion prevails with unanimous consent.

June 6, 2007

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, June 11.

Upon motion of Senator Dannelly, seconded by Senator Jones, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet Thursday, June 7, at 10:00 A.M.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 537, A BILL TO BE ENTITLED AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD, with a favorable report.

H.B. 538 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF BADIN, CAROLINA BEACH, EMERALD ISLE, FREMONT, FAISON, INDIAN BEACH, KINGS MOUNTAIN, KURE BEACH, SHELBY AND WRIGHTSVILLE BEACH TO ADOPT ORDINANCES REGULATING GOLF CARTS, with a favorable report.

H.B. 568, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF GARNER, HOLLY SPRINGS, ROLESVILLE, AND KNIGHTDALE TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWNS, with a favorable report.

H.B. 621 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF BEECH MOUNTAIN, with a favorable report.

H.B. 1166, A BILL TO BE ENTITLED AN ACT TO EXCHANGE CERTAIN DESCRIBED TERRITORY BETWEEN THE CITY OF HIGH POINT AND THE TOWN OF JAMESTOWN, AND TO DESCRIBE THE COMMON BOUNDARY LINE, with a favorable report.

S.B. 238, A BILL TO BE ENTITLED AN ACT TO ADJUST THE ADDITIONAL TAX RATE ON PROPERTY COVERAGE CONTRACTS TO BE REVENUE NEUTRAL BASED ON AN EXPANSION OF THE TAX BASE ENACTED IN S.L. 2006-196, TO INCREASE THE DISTRIBUTION OF THE TAX PROCEEDS TO THE VOLUNTEER FIRE DEPARTMENT FUND, TO AMEND THE VOLUNTEER FIRE DEPARTMENT GRANT

June 6, 2007

PROGRAM TO ALLOW MORE DEPARTMENTS TO QUALIFY FOR GRANTS, AND TO MODIFY THE DISTRIBUTION OF TAX PROCEEDS TO THE LOCAL FIREMEN'S RELIEF 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 75422, is adopted and engrossed.

S.B. 1240, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ALL BREAD SOLD AT A BAKERY THRIFT STORE IS TAXED AT THE SAME SALES TAX RATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65261, is adopted and engrossed.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 5:20 P.M.

SEVENTY-EIGHTH DAY

Senate Chamber
Thursday, June 7, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Dr. Steve Cortis, Center Grove Baptist Church, Clemmons, North Carolina, as follows:

"Lord God of Heaven and earth, I bless you for a new day of life and another day of liberty in this goodly land we call North Carolina. I intercede on behalf of the men and women who will labor this day in this Chamber and in committee on behalf of her citizens, men and women with heavy responsibilities and high calling, who bear burdens often greater and heavier than can be borne without your help. So I ask, Father, that you might in your grace grant strength from your hand to govern justly wisdom from your mind to discern what is right and compassion from your great heart yielding help to the helpless. Grant that at the close of this day, we might be careful to acknowledge that the liberties we live by and enjoy are ours by your grace and your grace alone. These things I humbly pray in the strong name of the Lord Jesus Christ. Amen."

The Chair grants leaves of absence for today to Senator Basnight, Senator Cowell, Senator Graham, Senator Jenkins, Senator Jones, Senator Kinnaird, Senator Malone and Senator Tillman.

June 7, 2007

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, 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 privileges of the floor to Dr. Kimberly Greenwald from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Clarann Hull from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 772, AN ACT TO CHANGE THE AMOUNT OF THE FIDELITY BOND REQUIRED OF SCHOOL FINANCE OFFICERS.

S.B. 1456, AN ACT TO ALLOW CERTAIN TANDEM VEHICLE COMBINATIONS TO OPERATE ON HIGHWAYS WITHIN THE STATE.

H.B. 784, AN ACT TO AMEND THE FIRST DEGREE MURDER STATUTE TO CONFORM WITH THE UNITED STATES SUPREME COURT RULING IN *ROPER V. SIMMONS* THAT THE EXECUTION OF A DEFENDANT WHO WAS UNDER EIGHTEEN YEARS OF AGE AT THE TIME OF THE MURDER IS UNCONSTITUTIONAL AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 645, AN ACT TO AUTHORIZE SAMPSON COUNTY TO LEVY A ROOM OCCUPANCY TAX.

H.B. 203, AN ACT TO EXTEND THE SEASON FOR TAKING RABBITS IN JOHNSTON COUNTY TO COINCIDE WITH THE RABBIT SEASON IN THE OTHER COUNTIES OF THE STATE.

H.B. 548, AN ACT TO PROVIDE THAT THE MAYOR OF THE CITY OF BREVARD IS ELECTED TO A FOUR-YEAR TERM, AND TO MAKE CONFORMING CHANGES CONCERNING FILLING OF VACANCIES.

H.B. 827, AN ACT TO ALLOW THE TOWNS OF CARY AND WAKE FOREST TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THEIR HISTORIC DISTRICTS.

June 7, 2007

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. 570, AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWNS OF CRAMERTON AND WATHA. (Became law upon ratification, June 6, 2007 - S.L. 2007-62.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 537, A BILL TO BE ENTITLED AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Kerr, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---41.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 11, upon third reading.

H.B. 538 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF BADIN, CAROLINA BEACH, EMERALD ISLE, FREMONT, FAISON, INDIAN BEACH, KINGS MOUNTAIN, KURE BEACH, SHELBY AND WRIGHTSVILLE BEACH TO ADOPT ORDINANCES REGULATING GOLF CARTS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Kerr, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---41.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for Monday, June 11, upon third reading.

H.B. 568, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF GARNER, HOLLY SPRINGS, ROLESVILLE, AND KNIGHTDALE TO

June 7, 2007

LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWNS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Kerr, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---41.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 11, upon third reading.

H.B. 621 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF BEECH MOUNTAIN, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Kerr, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---41.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 11, upon third reading.

H.B. 1166, A BILL TO BE ENTITLED AN ACT TO EXCHANGE CERTAIN DESCRIBED TERRITORY BETWEEN THE CITY OF HIGH POINT AND THE TOWN OF JAMESTOWN, AND TO DESCRIBE THE COMMON BOUNDARY LINE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Kerr, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---41.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 11, upon third reading.

S.B. 238, A BILL TO BE ENTITLED AN ACT TO ADJUST THE ADDITIONAL TAX RATE ON PROPERTY COVERAGE CONTRACTS TO

BE REVENUE NEUTRAL BASED ON AN EXPANSION OF THE TAX BASE ENACTED IN S.L. 2006-196, TO INCREASE THE DISTRIBUTION OF THE TAX PROCEEDS TO THE VOLUNTEER FIRE DEPARTMENT FUND, TO AMEND THE VOLUNTEER FIRE DEPARTMENT GRANT PROGRAM TO ALLOW MORE DEPARTMENTS TO QUALIFY FOR GRANTS, AND TO MODIFY THE DISTRIBUTION OF TAX PROCEEDS TO THE LOCAL FIREMEN'S RELIEF FUNDS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Kerr, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---41.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 11, upon third reading.

S.B. 1240 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ALL BREAD SOLD AT A BAKERY THRIFT STORE IS TAXED AT THE SAME SALES TAX RATE.

The Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

H.B. 485 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT STUDENTS IN GRADES NINE THROUGH TWELVE RECEIVE INFORMATION ANNUALLY ABOUT THE MANNER IN WHICH A PARENT MAY LAWFULLY ABANDON A NEWBORN BABY WITH A RESPONSIBLE PERSON.

The Senate Committee Substitute bill passes its second (42-0) 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 Bingham for the **Health Care Committee**:

S.B. 676, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO BRING AN ACTION IN SUPERIOR COURT FOR REVIEW OF COMPLIANCE WITH A CERTIFICATE OF NEED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55513, which changes the title to read **S.B. 676** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CREATING THE STATE GOVERNMENT

June 7, 2007

EMPLOYMENT PAY EQUITY STUDY COMMISSION AND APPROPRIATING FUNDS FOR THAT PURPOSE, is adopted and engrossed.

Upon motion of Senator Bingham, the Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

H.B. 353 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ACCESS TO INFORMATION FOR PUBLIC HEALTH PURPOSES IN A MANNER THAT IS CONSISTENT WITH THE HEALTH INFORMATION PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) MEDICAL PRIVACY RULE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30495, which changes the title upon concurrence to read **H.B. 353** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ACCESS TO INFORMATION FOR PUBLIC HEALTH PURPOSES IN A MANNER THAT IS CONSISTENT WITH THE HEALTH INFORMATION PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) MEDICAL PRIVACY RULE AND TO CLARIFY THAT OTHER DISCLOSURES ARE GOVERNED BY HIPAA, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 777 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR VIOLATING CERTAIN LAWS REGULATING CERTIFIED PUBLIC ACCOUNTANTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Goodall, the Senate concurs in the House Committee Substitute bill (42-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 1453 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT THE USE OF OYSTER SHELLS IN LANDSCAPING OR HIGHWAY BEAUTIFICATION PROJECTS BY THE DEPARTMENT OF TRANSPORTATION OR ANY OTHER GOVERNMENTAL UNIT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (42-0) and the bill is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.J.R. 192, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GARY M. CLARK, FORMER SHERIFF OF CALDWELL COUNTY, referred to the **Rules and Operations of the Senate Committee** on February 19.

June 7, 2007

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, June 12, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, June 12.

Upon motion of Senator Dannelly, seconded by Senator Hoyle, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet Monday, June 11, at 7:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 6, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to, **H.R. 801** (Committee Substitute), A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING A PERSON TO FILL A VACANCY ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the House has elected the following person to serve for a four-year term:

Cheryl Ransom Locklear

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
Wednesday, June 6, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Speaker Hackney has made the following changes to the

June 7, 2007

Conference Committee for **H.B. 1473** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE EXPANSION AND BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES; TO EXTEND THE STATE SALES TAX RATE AT 4.25% UNTIL JULY 1, 2009; TO EXTEND THE UPPER INCOME TAX RATE AT 8% THROUGH 2009; TO UPDATE THE INTERNAL REVENUE CODE REFERENCE; TO PROVIDE INDIVIDUAL AND BUSINESS TAX RELIEF THROUGH A REFUNDABLE EARNED INCOME TAX CREDIT, A MEANS-TESTED LONG-TERM CARE INSURANCE TAX CREDIT, AN ADOPTION TAX CREDIT, A CONVERSION OF THE SALES TAX ON SOFTWARE PUBLISHERS' MACHINERY AND EQUIPMENT TO A PRIVILEGE TAX AT THE RATE OF 1% WITH AN \$80 CAP, TO RAISE THE EXEMPTION AMOUNT FOR SCHOOL INSTRUCTIONAL MATERIALS DURING THE SALES TAX HOLIDAY, AN INCREASED TAX CREDIT FOR QUALIFIED R&D EXPENSES, AN ENHANCEMENT OF THE TAX CREDIT FOR CONSTRUCTING RENEWABLE FUEL FACILITIES, AN EXPANSION OF THE SALES AND USE TAX REFUND FOR AIRCRAFT MANUFACTURING TO INCLUDE AIRCRAFT PARTS, AN ENHANCEMENT OF THE SALES TAX HOLIDAY, AND AN ADJUSTMENT TO THE TAX RATE ON PROPERTY COVERAGE INSURANCE CONTRACTS; TO SET THE INSURANCE REGULATORY CHARGE, TO SET THE PUBLIC UTILITY REGULATORY FEE, TO INCREASE CERTAIN FEES TO SUPPORT RECEIPT-SUPPORTED SERVICES, TO PROVIDE FOR THE FINANCING OF VARIOUS HIGHER EDUCATION AND STATE FACILITIES; AND FOR OTHER PURPOSES.

Representative Holmes is removed from the Subcommittee on Transportation and Representative Dockham is added.

Representative Weiss is added to the Subcommittee on Health and Human Services.

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. 465 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REWRITE THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, for concurrence in the House Committee Substitute bill.

Referred to the **Finance Committee**.

June 7, 2007

H.B. 792, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NORTHAMPTON COUNTY TO LEVY A ROOM OCCUPANCY TAX.

Referred to the **Finance Committee**.

H.B. 944 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO SUBDIVISION RECREATIONAL FACILITIES IN HARNETT COUNTY.

Referred to the **Finance Committee**.

H.B. 1207 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE GREATER ASHEVILLE AIRPORT AUTHORITY.

Referred to the **Finance Committee**.

H.B. 1213 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING AUTHORITY TO THE TOWN OF CARY TO REQUIRE DEVELOPERS OF MULTIFAMILY UNITS TO PROVIDE FUNDS FOR RECREATIONAL LAND TO SERVE MULTIFAMILY DEVELOPMENTS.

Referred to the **Finance Committee**.

H.B. 1755 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND IMPROVE THE ADMINISTRATION OF THE STATE'S 911 SYSTEM THROUGH A STATEWIDE 911 EMERGENCY LOCATING BOARD, ENSURING THAT ALL VOICE SERVICES CONTRIBUTE TO THE 911 SYSTEM, AND PROVIDING PARITY IN THE QUALITY OF SERVICE AND THE LEVEL OF 911 CHARGES ACROSS VOICE COMMUNICATIONS SERVICE PROVIDERS.

Referred to the **Finance Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 10:36 A.M.

SEVENTY-NINTH DAY

Senate Chamber
Monday, June 11, 2007

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 wish it weren't so, O God, but death once again visited the Senate family when Sandy Basnight passed away on Sunday. We pray tonight for Marc,

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for his daughters, Caroline and Vicki, and for all the family during this difficult time. To be a member of the Senate one needs tough skin, but during this session the Senators have also needed broad shoulders on which others may lean and hearts that offer care. With your help, O God, each has exercised the use of both ably. So let us return to the work before us more eager to serve you and more inclined to love you as though in this mysterious presence of death we have learned to know the deeper meaning and responsibility of life. Amen."

The Chair grants leaves of absence for tonight to Senator Basnight, Senator Dalton and Senator Queen.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, 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 privileges of the floor to Dr. Janice Daugherty from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Monica Schmucker from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 620, AN ACT TO AUTHORIZE COUNTIES TO MAKE LOANS TO CITIES UNDER CERTAIN CONDITIONS FOR THE PURPOSE OF REPAYING A DEBT OWED TO THE FEDERAL GOVERNMENT.

S.B. 777, AN ACT TO INCREASE THE PUNISHMENT FOR VIOLATING CERTAIN LAWS REGULATING CERTIFIED PUBLIC ACCOUNTANTS.

S.B. 940, AN ACT TO REQUIRE THE RETIREMENT SYSTEM DIVISION OF THE DEPARTMENT OF STATE TREASURER TO PROVIDE DIRECT ACCESS TO INFORMATION REQUESTED BY THE FISCAL RESEARCH DIVISION.

S.B. 1453, AN ACT TO PREVENT THE USE OF OYSTER SHELLS IN LANDSCAPING OR HIGHWAY BEAUTIFICATION PROJECTS BY THE DEPARTMENT OF TRANSPORTATION OR ANY OTHER GOVERNMENTAL UNIT.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

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S.B. 595, AN ACT TO MODIFY THE APPOINTMENT PROCESS FOR TRUSTEES OF THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 645, AN ACT TO AUTHORIZE SAMPSON COUNTY TO LEVY A ROOM OCCUPANCY TAX. (Became law upon ratification, June 7, 2007 - S.L. 2007-63.)

H.B. 203, AN ACT TO EXTEND THE SEASON FOR TAKING RABBITS IN JOHNSTON COUNTY TO COINCIDE WITH THE RABBIT SEASON IN THE OTHER COUNTIES OF THE STATE. (Became law upon ratification, June 7, 2007 - S.L. 2007-64.)

H.B. 548, AN ACT TO PROVIDE THAT THE MAYOR OF THE CITY OF BREVARD IS ELECTED TO A FOUR-YEAR TERM, AND TO MAKE CONFORMING CHANGES CONCERNING FILLING OF VACANCIES. (Became law upon ratification, June 7, 2007 - S.L. 2007-65.)

H.B. 827, AN ACT TO ALLOW THE TOWNS OF CARY AND WAKE FOREST TO ADOPT ORDINANCES REGULATING DEMOLITION OF HISTORIC STRUCTURES IN THEIR HISTORIC DISTRICTS. (Became law upon ratification, June 7, 2007 - S.L. 2007-66.)

H.B. 987, AN ACT TO MODIFY THE NORTH CAROLINA TRAVEL AND TOURISM BOARD TO INCLUDE REPRESENTATIVES OF THE CHARTER BOAT/HEADBOAT INDUSTRY. (Became law upon approval of the Governor, June 7, 2007 - S.L. 2007-67.)

S.B. 872, AN ACT TO ADOPT THE THALIAN ASSOCIATION AT WILMINGTON, NORTH CAROLINA, AS THE OFFICIAL COMMUNITY THEATER OF NORTH CAROLINA. (Became law upon approval of the Governor, June 7, 2007 - S.L. 2007-68.)

H.B. 328, AN ACT TO AUTHORIZE A MORE FLEXIBLE PAYMENT SCHEDULE FOR THE SPECIAL SEPARATION FOR LAW ENFORCEMENT OFFICERS. (Became law upon approval of the Governor, June 7, 2007 - S.L. 2007-69.)

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1243 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A PROCEDURE BY WHICH DETERMINATION IS MADE TO RESTRAIN JUVENILES IN THE COURTROOM, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 537, A BILL TO BE ENTITLED AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 538 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF BADIN, CAROLINA BEACH, EMERALD ISLE, FREMONT, FAISON, INDIAN BEACH, KINGS MOUNTAIN, KURE BEACH, SHELBY AND WRIGHTSVILLE BEACH TO ADOPT ORDINANCES REGULATING GOLF CARTS, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled.

H.B. 621 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF BEECH MOUNTAIN, upon third reading.

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The Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1166, A BILL TO BE ENTITLED AN ACT TO EXCHANGE CERTAIN DESCRIBED TERRITORY BETWEEN THE CITY OF HIGH POINT AND THE TOWN OF JAMESTOWN, AND TO DESCRIBE THE COMMON BOUNDARY LINE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 568, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF GARNER, HOLLY SPRINGS, ROLESVILLE, AND KNIGHTDALE TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWNS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 35, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Bingham, Blake, Boseman, Brunstetter, Cowell, Dannelly, Dorsett, Foriest, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---35.

Voting in the negative: Senators Berger of Rockingham, Brock, Brown, East, Forrester, Garrou, Pittenger, Preston and Tillman---9.

The bill is ordered enrolled.

S.B. 238 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE ADDITIONAL TAX RATE ON PROPERTY COVERAGE CONTRACTS TO BE REVENUE NEUTRAL BASED ON AN EXPANSION OF THE TAX BASE ENACTED IN S.L. 2006-196, TO INCREASE THE DISTRIBUTION OF THE TAX PROCEEDS TO THE VOLUNTEER FIRE DEPARTMENT FUND, TO AMEND THE VOLUNTEER FIRE

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DEPARTMENT GRANT PROGRAM TO ALLOW MORE DEPARTMENTS TO QUALIFY FOR GRANTS, AND TO MODIFY THE DISTRIBUTION OF TAX PROCEEDS TO THE LOCAL FIREMEN'S RELIEF FUNDS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 353 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ACCESS TO INFORMATION FOR PUBLIC HEALTH PURPOSES IN A MANNER THAT IS CONSISTENT WITH THE HEALTH INFORMATION PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) MEDICAL PRIVACY RULE AND TO CLARIFY THAT OTHER DISCLOSURES ARE GOVERNED BY HIPAA.

Senator Brunstetter offers Amendment No. 1 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence.

H.J.R. 868, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BROADWAY ON THE TOWN'S CENTENNIAL ANNIVERSARY.

The joint resolution passes its second (44-0) and third readings and is ordered enrolled.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Morgan Anderson, Charlotte; Will Atwater, Chapel Hill; Karmen Barringer, Charlotte; Will Black III, Raleigh; Ashley Brown, Greensboro; Jowette Brown-Holmes, Smithfield; Jordan Butler, Fayetteville; Swazoo Claybon III, Lakeland, Tennessee; Alexis Craghead, Charlotte; Connor Crews, Greensboro; Danielle Elliot, Morrisville; Sarah Friedman, Greensboro; Stedman Gage, Wilmington; Cortney Graham, Charlotte; Nicole Graham, Charlotte; Worth Hathaway, Wilmington; Aaron Jones, Cary; Luke Kinsey, Greensboro; Kelsey Knight, Wake Forest; Barrett Knowles, Fayetteville; Kimberly Koenig, Raleigh; Michael Koenig, Raleigh; Asia Leathers, Charlotte; Abbott Matthews, Wilson; Lindsay

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McNair, Raleigh; Emily Northington, Goldsboro; Lauren Opdyke, Greensboro; Nathan Sanders, Durham; Olivia Stinson, Charlotte; Carisse Turner, Charlotte; Destiny Walters, Charlotte; Amber Wike, Fayetteville; and Will Williams IV, Fayetteville.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 836 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE FOOD STAMP PROGRAM TO REFLECT THE USE OF ELECTRONIC BENEFIT TRANSFER CARDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 12, for concurrence.

S.B. 880 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A BOND FORFEITURE SHALL BE SET ASIDE IF THE DEFENDANT FAILED TO APPEAR BECAUSE THE DEFENDANT WAS INCARCERATED ANYWHERE IN THE UNITED STATES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 12, for concurrence.

S.B. 947 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CONFORMING, AND OTHER CHANGES TO THE UNIFORM TRUST CODE AND OTHER RELATED STATUTES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 12, for concurrence.

S.B. 966 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CAPITAL FACILITIES FINANCE AGENCY TO ISSUE BONDS FOR SALVAGE CENTERS, CERTAIN RESEARCH FACILITIES, AND INTERNATIONAL HEADQUARTERS OF NONPROFIT SCHOLARLY SOCIETIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 12, for concurrence.

H.B. 463 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS.

Referred to the **Finance Committee**.

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H.B. 1231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO WAIVE THE REQUIREMENT TO OBTAIN A CONCEALED HANDGUN PERMIT TO CARRY A CONCEALED HANDGUN FOR CERTAIN PERSONS AUTHORIZED BY FEDERAL LAW TO CARRY CONCEALED HANDGUNS AND FOR CERTAIN FEDERAL AND STATE RETIRED LAW ENFORCEMENT OFFICERS.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A WEIGHT AND SIZE EXCEPTION TO STATE AND LOCAL FIREFIGHTING AGENCIES TRANSPORTING OVERWEIGHT AND OVERSIZED VEHICLES BEING USED TO COMBAT FOREST FIRES, WILDFIRES, AND OTHER EMERGENCIES OR DISASTERS, TO AUTHORIZE THE ISSUANCE OF AN ANNUAL OR SINGLE TRIP PERMIT FOR OVERSIZE AND OVERWEIGHT COMMERCIAL VEHICLES USED IN EMERGENCY RESPONSE, AND TO AUTHORIZE THE ISSUANCE OF A SINGLE TRIP PERMIT FOR OVERSIZE OR OVERWEIGHT VEHICLES OR VEHICLE COMBINATIONS RESPONDING TO AN EMERGENCY EVENT.

Referred to the **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1488 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE PSYCHOLOGY PRACTICE ACT TO CLARIFY REQUIREMENTS FOR PERMANENT LICENSURE.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1838, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MEMBERSHIP SERVICE REQUIREMENTS IN THE LEGISLATIVE RETIREMENT SYSTEM FOR FORMER MEMBERS WHO RETURN TO SERVICE.

Referred to the **Pensions & Retirement and Aging Committee**.

WITHDRAWAL FROM CALENDAR

S.J.R. 192, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GARY M. CLARK, FORMER SHERIFF OF CALDWELL COUNTY, placed on the Calendar for Tuesday, June 12.

Senator Rand offers a motion that the bill be withdrawn from the Calendar for Tuesday, June 12, and placed on the Calendar for Tuesday, June 19.

The Chair orders the bill withdrawn from the Calendar for Tuesday, June 12, and places on the Calendar for Tuesday, June 19.

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WITHDRAWAL FROM COMMITTEE

S.B. 465 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REWRITE THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, referred to the **Finance Committee** on June 7.

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 Tuesday, June 12, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Finance Committee** and places it on the Calendar for Tuesday, June 12, for concurrence in the House Committee Substitute.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.J.R. 1986, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SERGEANT HOWARD JOSEPH PLOUFF II, FALLEN WINSTON-SALEM POLICE OFFICER.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

Upon the appearance of Senator Queen in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

The joint resolution passes its second reading (41-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Brunstetter and Senator Garrou the Chair extends the courtesies of the gallery to Barry Rountree, Assistant Chief; Captain Patricia Murray; Lieutenant Brian Macy; Lieutenant Jeff Watson; Corporal Tammy Trentini; Larry Huskey, Police Officer; Roland Kennedy, Police Officer; Billy Tesh, Police Officer; Chad Renew, Police Officer; Douglass Fanning, Police Officer; and other members of the Winston-Salem Police Department.

H.J.R. 1861, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF LEE COUNTY ON THE COUNTY'S ONE HUNDREDTH ANNIVERSARY.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

The joint resolution passes its second reading (41-0) and third reading with members standing and is ordered enrolled.

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Upon motion of Senator Atwater the Chair extends the courtesies of the gallery to Mr. Bob Brown, Chair of Lee County Commission; Mr. Jerry Lemmond, Vice Chair of Lee County Commission; and Ms. Lynn Vetch Sadler, Chair of the Lee County Centennial Committee.

H.J.R. 2056, A JOINT RESOLUTION EXPRESSING APPRECIATION TO THE TRIANGLE RADIO READING SERVICE FOR PROVIDING TWENTY-FIVE YEARS OF SERVICE TO ITS LISTENERS.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

The joint resolution passes its second reading (41-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Kinnaird the Chair extends the courtesies of the gallery to Dr. Ed Funkhouser, Co-Founder of Traingle Radio Reading Service; Caroline Funkhouser, daughter; Steve Eason, nephew of co-founder Ben Eason; Shirley Eason, Steven Eason's Wife; Linda Ornt, Director of Triangle Radio Reading Service; Ace Ornt, husband of Linda Ornt; R.A. (Bob) Southerland and Pamela Cloud, Triangle Radio Reading Service Board Members.

Upon motion of Senator Dannelly, seconded by Senator Malone, the Senate adjourns at 7:53 P.M. in memory of Sandy Basnight, subject to reading of messages from the House of Representatives, to meet Tuesday, June 12, at 3:00 P.M.

EIGHTIETH DAY

Senate Chamber
Tuesday, June 12, 2007

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 Ben Williams, St. Mark's United Methodist Church, Raleigh, North Carolina as follows:

"Almighty God, we give you thanks for this day and for the good and vital work you have placed before the North Carolina Senate. We thank you for the mingling of minds and personality, for the clash of provocative thought and expression, for the great variety of skills, talents, and gifts represented there. Guide our Senators as they meet together in order that they may think calmly

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and carefully, decide wisely and well in order that everything may be done in accordance with your will. Help us in all that we do to put aside cunning and craftiness, to regard others better than ourselves, to speak the truth in love, and to contribute to the well being of the whole State of North Carolina. Deliver us this day from the service of self alone that we may do the work you have given us to do in truth and beauty and for the common good. Join and knit this gathered body together by your grace that their endeavor, being grounded in your love, may flourish through the gifted contribution of each member present. Now we pause to offer prayers for all those with whom we share the Journey. For our loved ones, those who have been given to us, and to whom we have been given, we give you thanks and for those whom we have loved who are now absent from us, and for those whom we know face particular trials this day. We entrust all who are dear to us, including our families, our friends, our neighbors, and all those whom we represent, to your never-failing love and care, trusting that you will do far more for them than we can desire or pray for. We thank you, God, for the gift of leadership you have gathered here. Give the members of this Body wisdom and courage to make decisions that are in harmony with the in-breaking of your reign in our midst. Grant them peace and grace as they go about their work this day. Amen."

The Chair grants leaves of absence for today to Senator Basnight, Senator Jacumin and Senator Shaw.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, June 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Donald Toatley from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 91 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 20.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

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H.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAW REGARDING TESTAMENTARY ADDITIONS TO TRUSTS, AND TO CODIFY THE DOCTRINES OF INCORPORATION BY REFERENCE AND ACTS OF INDEPENDENT SIGNIFICANCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

H.B. 775, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM SIMULTANEOUS DEATH ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

By Senator Graham for the **State & Local Government Committee**:

H.B. 696, A BILL TO BE ENTITLED AN ACT TO ENSURE FAMILY SUPPORT GRANTS ARE PROVIDED TO COMMUNITY-BASED AGENCIES TO IMPLEMENT ONLY FAMILY SUPPORT PROGRAMS THAT ARE RESEARCH-BASED AND HAVE BEEN EVALUATED FOR EFFECTIVENESS UNDER THE LAWS PERTAINING TO THE FAMILY RESOURCE CENTER GRANT PROGRAM, with a favorable report.

H.B. 836, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISIONS IN BERTIE COUNTY, with a favorable report.

H.B. 925 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF GRANITE QUARRY AND THE TOWN OF FAITH TO ESTABLISH A JOINT POLICE AUTHORITY TO PROVIDE POLICE PROTECTION FOR THE TWO TOWNS, with a favorable report.

H.B. 1141, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF GRANITE QUARRY TO ALLOW THE TOWN TO OPERATE UNDER THE COUNCIL-MANAGER FORM OF GOVERNMENT, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1456 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE ACQUISITION AND DISPOSITION OF PROPERTY AND THE PROCUREMENT OF GOODS AND SERVICES BY REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES, with a favorable report.

H.B. 1646, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTIES FOR VIOLATIONS OF LAWS TO PROTECT AIR QUALITY, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

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H.B. 36 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE OVERSIGHT OF HAZARDOUS WASTE FACILITIES, AS RECOMMENDED BY THE GOVERNOR'S HAZARDOUS MATERIALS TASK FORCE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50701, is adopted and engrossed.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee:**

H.B. 700, A BILL TO BE ENTITLED AN ACT TO CLARIFY STANDARDS FOR CODE-ENFORCEMENT OFFICIALS, with a favorable report.

H.B. 748 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO COVER EXTRA PRESCRIPTIONS DURING A STATE OF EMERGENCY OR DISASTER, with a favorable report.

H.B. 1486, A BILL TO BE ENTITLED AN ACT TO AMEND THE DIETETICS/NUTRITION PRACTICE ACT CONCERNING REVIEW OF CHANGES, with a favorable report.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 492, AN ACT EXEMPTING POLITICAL SUBDIVISIONS OF THE STATE FROM THE LAWS REGULATING PUBLIC CONTRACTS WHEN PURCHASING FROM CONTRACTS ESTABLISHED BY THE UNITED STATES OF AMERICA OR ANY FEDERAL AGENCY.

The Enrolling Clerk reports the following bills and joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 537, AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD.

H.B. 538, AN ACT TO ALLOW THE TOWNS OF BADIN, CAROLINA BEACH, EMERALD ISLE, FREMONT, FAISON, INDIAN BEACH, KINGS MOUNTAIN, KURE BEACH, SHELBY AND WRIGHTSVILLE BEACH TO ADOPT ORDINANCES REGULATING GOLF CARTS.

H.B. 568, AN ACT TO PERMIT THE TOWNS OF GARNER, HOLLY SPRINGS, ROLESVILLE, AND KNIGHTDALE TO LEVY A MOTOR

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VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWNS.

H.B. 621, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF BEECH MOUNTAIN.

H.B. 1166, AN ACT TO EXCHANGE CERTAIN DESCRIBED TERRITORY BETWEEN THE CITY OF HIGH POINT AND THE TOWN OF JAMESTOWN, AND TO DESCRIBE THE COMMON BOUNDARY LINE.

H.J.R. 868, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BROADWAY ON THE TOWN'S CENTENNIAL ANNIVERSARY. (Res. 39)

H.J.R. 1986, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SERGEANT HOWARD JOSEPH PLOUFF II, FALLEN WINSTON-SALEM POLICE OFFICER. (Res. 40)

H.J.R. 2056, A JOINT RESOLUTION EXPRESSING APPRECIATION TO THE TRIANGLE RADIO READING SERVICE FOR PROVIDING TWENTY-FIVE YEARS OF SERVICE TO ITS LISTENERS. (Res. 41)

H.J.R. 1861, A JOINT RESOLUTION HONORING THE EARLY SETTLERS OF LEE COUNTY ON THE COUNTY'S ONE HUNDREDTH ANNIVERSARY. (Res. 42)

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. 595, AN ACT TO MODIFY THE APPOINTMENT PROCESS FOR TRUSTEES OF THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY. (Became law upon ratification, June 11, 2007 - S.L. 2007-70.)

CALENDAR *(continued)*

S.B. 465 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REWRITE THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Preston 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:

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Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Senator Preston offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 465 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REWRITE THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 465 earlier today and the motion to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Preston, Chair, Senator Boseman and Senator Brown as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (*continued*)

H.B. 1243 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A PROCEDURE BY WHICH DETERMINATION IS MADE TO RESTRAIN JUVENILES IN THE COURTROOM.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 966 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CAPITAL FACILITIES FINANCE AGENCY TO ISSUE BONDS FOR SALVAGE CENTERS, CERTAIN RESEARCH FACILITIES, AND INTERNATIONAL HEADQUARTERS OF NONPROFIT SCHOLARLY SOCIETIES, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Cowell, 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, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest,

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Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 382, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ELECTIONS IN THE TOWN OF HEMBY BRIDGE SHALL BE DETERMINED BY PLURALITY, referred to the **State & Local Government Committee** on April 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State & Local Government Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State & Local Government Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

S.B. 836 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE FOOD STAMP PROGRAM TO REFLECT THE USE OF ELECTRONIC BENEFIT TRANSFER CARDS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jones, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 880 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A BOND FORFEITURE SHALL BE SET ASIDE IF THE DEFENDANT FAILED TO APPEAR BECAUSE THE DEFENDANT WAS INCARCERATED ANYWHERE IN THE UNITED STATES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Berger of Franklin, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 947 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CONFORMING, AND OTHER CHANGES TO THE UNIFORM TRUST CODE AND OTHER RELATED STATUTES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hagan, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

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Upon motion of Senator Dannelly, seconded by Senator Purcell, the Senate adjourns in memory of Sandy Basnight and subject to reading of messages from the House of Representatives and Executive Orders, to meet Thursday, June 14, at 1:00 P.M.

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows:

Executive Order Number 117 Amending Executive Order Number 116, Designation of Certain State Employees as Covered "Public Servants" Under the State Government Ethics Act.

Executive Order Number 118, Continuity of Operations Planning.

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 AUTHORIZING THE TOWNS OF APEX, GARNER, AND KNIGHTDALE TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, June 14, for concurrence.

S.B. 982 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE REQUIREMENT FOR AN IMMUNIZATION CERTIFICATE FROM CERTAIN COLLEGE STUDENTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, June 14, for concurrence.

S.B. 1248, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO NORTH CAROLINA'S NORTHEAST COMMISSION, for concurrence in House Amendment No. 1.

The bill, as amended, is placed on the Calendar for Thursday, June 14, for concurrence.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:46 P.M.

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EIGHTY-FIRST DAY

Senate Chamber
Thursday, June 14, 2007

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, on this Flag Day, we are predisposed to think of loyalty, allegiance, the heroes of our State, our Nation, and our Faith. Forgive us, that having received your blessing of prosperity, we have allowed self-indulgence to divide our loyalty or cause us to redefine allegiance. Instead, renew in us today the strong sense of hope that caught the imaginations of our ancestors that we might live as brothers and sisters, one Nation under your sovereign leadership, O God, and let our loyalties be Godly affirmation of the kinds of persons we have chosen to become. In your Holy name we pray. Amen."

The Chair grants leaves of absence for today to Senator Allran, Senator Basnight, Senator Cowell and Senator Hoyle.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, June 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Robert G. Crummie from Rutherfordton, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 611, AN ACT TO RECODIFY THE LAWS COVERING SERVICE AGREEMENTS.

S.B. 836, AN ACT TO RENAME THE FOOD STAMP PROGRAM TO REFLECT THE USE OF ELECTRONIC BENEFIT TRANSFER CARDS.

S.B. 880, AN ACT TO PROVIDE THAT A BOND FORFEITURE SHALL BE SET ASIDE IF THE DEFENDANT FAILED TO APPEAR BECAUSE THE DEFENDANT WAS INCARCERATED ANYWHERE IN THE UNITED STATES.

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S.B. 947, AN ACT TO MAKE TECHNICAL, CONFORMING, AND OTHER CHANGES TO THE UNIFORM TRUST CODE AND OTHER RELATED STATUTES.

S.B. 1178, AN ACT AUTHORIZING THE USE OF MASTER METERS FOR ELECTRIC AND NATURAL GAS SERVICE IN HOTELS OR MOTELS THAT HAVE BEEN CONVERTED INTO CONDOMINIUMS.

S.B. 1246, AN ACT TO PROHIBIT PLACEMENT OF PROCESSED FOODS IN AREAS WHERE THE WILDLIFE RESOURCES COMMISSION HAS SET AN OPEN SEASON FOR TAKING BLACK BEARS.

H.B. 1243, AN ACT TO CREATE A PROCEDURE BY WHICH DETERMINATION IS MADE TO RESTRAIN JUVENILES IN THE COURTROOM.

H.B. 1519, AN ACT TO MODIFY THE LAW PERTAINING TO THE RESOLUTION OF DISPUTES BETWEEN THE BOARD OF EDUCATION AND THE BOARD OF COUNTY COMMISSIONERS REGARDING SCHOOL FUNDING.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1227, AN ACT EXEMPTING NEW HANOVER REGIONAL MEDICAL CENTER, A NEW HANOVER COUNTY HOSPITAL, FROM STATUTORY REQUIREMENTS GOVERNING PUBLIC CONTRACTS.

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. 537, AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD. (Became law upon ratification, June 12, 2007 - S.L. 2007-71.)

H.B. 538, AN ACT TO ALLOW THE TOWNS OF BADIN, CAROLINA BEACH, EMERALD ISLE, FREMONT, FAISON, INDIAN BEACH, KINGS MOUNTAIN, KURE BEACH, SHELBY AND WRIGHTSVILLE BEACH TO ADOPT ORDINANCES REGULATING GOLF CARTS. (Became law upon ratification, June 12, 2007 - S.L. 2007-72.)

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H.B. 568, AN ACT TO PERMIT THE TOWNS OF GARNER, HOLLY SPRINGS, ROLESVILLE, AND KNIGHTDALE TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWNS. (Became law upon ratification, June 12, 2007 - S.L. 2007-73.)

H.B. 621, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE TOWN OF BEECH MOUNTAIN. (Became law upon ratification, June 12, 2007 - S.L. 2007-74.)

H.B. 1166, AN ACT TO EXCHANGE CERTAIN DESCRIBED TERRITORY BETWEEN THE CITY OF HIGH POINT AND THE TOWN OF JAMESTOWN, AND TO DESCRIBE THE COMMON BOUNDARY LINE. (Became law upon ratification, June 12, 2007 - S.L. 2007-75.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING THE DESECRATION OF A GRAVE, AS RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON ABANDONED CEMETERIES, with a favorable report.

H.B. 107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUTES RELATING TO ABANDONED AND NEGLECTED CEMETERIES, with a favorable report.

H.B. 1138 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR UNION COUNTY PUBLIC SCHOOLS, with a favorable report.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 150, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEPARTMENT OF TRANSPORTATION OUTDOOR ADVERTISING SELECTIVE VEGETATION REMOVAL POLICY TO AUTHORIZE A FIVE HUNDRED FOOT REMOVAL ZONE, AS RECOMMENDED BY THE

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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 85335, which changes the title to read **S.B. 150** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEPARTMENT OF TRANSPORTATION OUTDOOR ADVERTISING SELECTIVE VEGETATION REMOVAL POLICY, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 1485, A BILL TO BE ENTITLED AN ACT AMENDING EDUCATION REQUIREMENTS FOR REAL ESTATE APPRAISERS UNDER THE NORTH CAROLINA APPRAISERS ACT, ELIMINATING THE CATEGORY OF LICENSED RESIDENTIAL REAL ESTATE APPRAISER, AND AUTHORIZING THE NORTH CAROLINA APPRAISAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15106, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 817 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA RESIDENTIAL MORTGAGE FRAUD ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70559, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1479 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES AND SANCTIONS TO ADDRESS CONTEMPT BY JUVENILES, with a favorable report.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the Calendar for Tuesday, June 19.

By Senator Nesbitt for the **Judiciary I Committee**:

H.B. 590 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF ANIMAL EXHIBITIONS AT AGRICULTURAL FAIRS, with a favorable report.

June 14, 2007

S.B. 1214, A BILL TO BE ENTITLED AN ACT TO AMEND THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55516, is adopted and engrossed.

Upon motion of Senator Nesbitt, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 824 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GENDER EQUITY REPORTING STATUTE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30496, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 836, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISIONS IN BERTIE COUNTY.

The bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 925 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF GRANITE QUARRY AND THE TOWN OF FAITH TO ESTABLISH A JOINT POLICE AUTHORITY TO PROVIDE POLICE PROTECTION FOR THE TWO TOWNS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 1141, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF GRANITE QUARRY TO ALLOW THE TOWN TO OPERATE UNDER THE COUNCIL-MANAGER FORM OF GOVERNMENT.

The bill passes its second (46-0) and third readings and is ordered enrolled.

S.B. 350 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF APEX, GARNER, AND KNIGHTDALE TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stevens, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled.

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H.B. 36 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE OVERSIGHT OF HAZARDOUS WASTE FACILITIES, AS RECOMMENDED BY THE GOVERNOR'S HAZARDOUS MATERIALS TASK FORCE.

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. 696, A BILL TO BE ENTITLED AN ACT TO ENSURE FAMILY SUPPORT GRANTS ARE PROVIDED TO COMMUNITY-BASED AGENCIES TO IMPLEMENT ONLY FAMILY SUPPORT PROGRAMS THAT ARE RESEARCH-BASED AND HAVE BEEN EVALUATED FOR EFFECTIVENESS UNDER THE LAWS PERTAINING TO THE FAMILY RESOURCE CENTER GRANT PROGRAM.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 700, A BILL TO BE ENTITLED AN ACT TO CLARIFY STANDARDS FOR CODE-ENFORCEMENT OFFICIALS.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 748 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO COVER EXTRA PRESCRIPTIONS DURING A STATE OF EMERGENCY OR DISASTER.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

H.B. 382, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ELECTIONS IN THE TOWN OF HEMBY BRIDGE SHALL BE DETERMINED BY PLURALITY, referred to the **Appropriations/Base Budget Committee** on June 12.

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 measure to the **State & Local Government Committee**.

H.J.R. 1053, A JOINT RESOLUTION HONORING THE FOUNDER OF UNITED PARCEL SERVICE OF AMERICA, INC., (UPS) AND RECOGNIZING THE CONTRIBUTIONS OF THE COMPANY TO THE CITIZENS OF NORTH CAROLINA ON THE COMPANY'S CENTENNIAL ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on May 1.

June 14, 2007

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, June 18, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, June 18.

H.B. 720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE COMMISSION FOR HEALTH SERVICES TO BETTER REFLECT THE FUNCTIONS AND DUTIES PERFORMED BY THE DIVISION AND THE COMMISSION, referred to the **Appropriations/Base Budget Committee** on April 25.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Wednesday, June 20, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Wednesday, June 20.

CALENDAR *(continued)*

H.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAW REGARDING TESTAMENTARY ADDITIONS TO TRUSTS, AND TO CODIFY THE DOCTRINES OF INCORPORATION BY REFERENCE AND ACTS OF INDEPENDENT SIGNIFICANCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 20.

H.B. 775, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM SIMULTANEOUS DEATH ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1456 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE ACQUISITION AND DISPOSITION OF PROPERTY AND THE PROCUREMENT OF GOODS AND SERVICES BY REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1486, A BILL TO BE ENTITLED AN ACT TO AMEND THE DIETETICS/NUTRITION PRACTICE ACT CONCERNING REVIEW OF CHANGES.

June 14, 2007

The bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 966 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CAPITAL FACILITIES FINANCE AGENCY TO ISSUE BONDS FOR SALVAGE CENTERS, CERTAIN RESEARCH FACILITIES, AND INTERNATIONAL HEADQUARTERS OF NONPROFIT SCHOLARLY SOCIETIES, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Stevens, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 982 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE REQUIREMENT FOR AN IMMUNIZATION CERTIFICATE FROM CERTAIN COLLEGE STUDENTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (45-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 1248, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO NORTH CAROLINA'S NORTHEAST COMMISSION, for concurrence in House Amendment No. 1.

Upon motion of Senator Jenkins, the Senate concurs in House Amendment No. 1 (45-0) and the bill 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:

H.J.R. 1425, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILMA DYKEMAN, ONE OF THE MOST INFLUENTIAL CONTRIBUTORS TO APPALACHIAN LITERATURE.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

June 14, 2007

Upon motion of Senator Nesbitt, the Chair extends the courtesies of the gallery to the family of Wilma Dykeman: James Stokely, son; Dykeman Stokely, son; Anne Callison Stokely, daughter-in-law; Elizabeth Dykeman Stokely, granddaughter and Will Stokely, grandson.

ADDITIONAL SPONSOR

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 676, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO BRING AN ACTION IN SUPERIOR COURT FOR REVIEW OF COMPLIANCE WITH A CERTIFICATE OF NEED.

Upon motion of Senator Dannelly, seconded by Senator Soles, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Monday, June 18, at 7:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 13, 2007

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 465, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REWRITE THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY**, and requests conferees, Speaker Hackney appoints:

Representative McElraft, Chair
Representative Hurley, 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.

S/Respectfully,
Denise G. Weeks
Principal Clerk

June 14, 2007

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 30 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LAWS TO PROVIDE GREATER PROTECTION FOR DOMESTIC VIOLENCE VICTIMS AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 18, for concurrence.

H.B. 892 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LICENSURE ACT FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS.

Referred to the **Health Care Committee**.

H.B. 1531, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SMALL EMPLOYER HEALTH INSURANCE TAX CREDIT.

Referred to the **Finance Committee**.

H.B. 1598 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS AND TO CLARIFY HOW THE CREDIT CAP FOR INDIVIDUALS APPLIES TO MARRIED COUPLES.

Referred to the **Finance Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 2:11 P.M.

EIGHTY-SECOND DAY

Senate Chamber
Monday, June 18, 2007

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 history of Holy Scripture documents that you have chosen great leaders to follow you. At first that seems a paradox, followers as great

June 18, 2007

leaders. The Senate is made up of great leaders. But in the rhythm of decision-making in this place, as part of your kingdom, 'Everyone at some time and in some areas is a follower and it is just as important to be discriminating in choosing whom to follow as it is to prepare to lead.' Help the men and women here to know when and where to accept these roles. The kingdom of God is no place to have one's face pointed one way and one's feet the other. Amen."

The Chair grants leaves of absence for tonight to Senator Hartsell and Senator Jenkins.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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 privileges of the floor to Dr. Melanie P. Walker from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Eva Meekin from Lumberton, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee:**

H.B. 1340, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE THE VALUE OF AMATEUR RADIO COMMUNICATIONS BY REQUIRING CITY AND COUNTY ORDINANCES REGULATING ANTENNAS TO REASONABLY ACCOMMODATE AMATEUR RADIO COMMUNICATIONS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60367, is adopted and engrossed.

H.B. 648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND RECODIFY THE LAW AUTHORIZING THE DIVISION OF CORRECTION ENTERPRISES WITHIN THE DEPARTMENT OF CORRECTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70561, is adopted and engrossed.

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CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA RESIDENTIAL MORTGAGE FRAUD ACT.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, June 19.

WITHDRAWAL FROM CALENDAR

H.B. 91 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES.

Senator Rand offers a motion that the bill be withdrawn from the Calendar for Wednesday, June 20, and re-referred to the **Select Committee on Government and Election Reform**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for Wednesday, June 20, and re-refers the measure to the **Select Committee on Government and Election Reform**.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1169 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF KEVIN D. HOWELL AND EULADA P. WATT TO THE STATE BOARD OF EDUCATION, 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 placed on the Calendar for Wednesday, June 20, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, June 20.

CALENDAR *(continued)*

H.B. 1138 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR UNION COUNTY PUBLIC SCHOOLS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled.

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ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 966, AN ACT TO AUTHORIZE THE NORTH CAROLINA CAPITAL FACILITIES FINANCE AGENCY TO ISSUE BONDS FOR SALVAGE CENTERS, CERTAIN RESEARCH FACILITIES, AND INTERNATIONAL HEADQUARTERS OF NONPROFIT SCHOLARLY SOCIETIES.

S.B. 982, AN ACT PERTAINING TO THE REQUIREMENT FOR AN IMMUNIZATION CERTIFICATE FROM CERTAIN COLLEGE STUDENTS.

S.B. 1248, AN ACT TO CHANGE THE NAME OF THE NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO NORTH CAROLINA'S NORTHEAST COMMISSION.

H.B. 696, AN ACT TO ENSURE FAMILY SUPPORT GRANTS ARE PROVIDED TO COMMUNITY-BASED AGENCIES TO IMPLEMENT ONLY FAMILY SUPPORT PROGRAMS THAT ARE RESEARCH-BASED AND HAVE BEEN EVALUATED FOR EFFECTIVENESS UNDER THE LAWS PERTAINING TO THE FAMILY RESOURCE CENTER GRANT PROGRAM.

H.B. 700, AN ACT TO CLARIFY STANDARDS FOR CODE-ENFORCEMENT OFFICIALS.

H.B. 748, AN ACT TO COVER EXTRA PRESCRIPTIONS DURING A STATE OF EMERGENCY OR DISASTER.

H.B. 775, AN ACT TO REVISE THE UNIFORM SIMULTANEOUS DEATH ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 1456, AN ACT TO FACILITATE THE ACQUISITION AND DISPOSITION OF PROPERTY AND THE PROCUREMENT OF GOODS AND SERVICES BY REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES.

H.B. 1486, AN ACT TO AMEND THE DIETETICS/NUTRITION PRACTICE ACT CONCERNING REVIEW OF CHANGES.

The Enrolling Clerk reports the following bills and a joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

June 18, 2007

S.B. 350, AN ACT AUTHORIZING THE TOWNS OF APEX, GARNER, AND KNIGHTDALE TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

H.B. 836, AN ACT RELATING TO THE DEFINITION OF SUBDIVISIONS IN BERTIE COUNTY.

H.B. 925, AN ACT TO AUTHORIZE THE TOWN OF GRANITE QUARRY AND THE TOWN OF FAITH TO ESTABLISH A JOINT POLICE AUTHORITY TO PROVIDE POLICE PROTECTION FOR THE TWO TOWNS.

H.B. 1141, AN ACT AMENDING THE CHARTER OF THE TOWN OF GRANITE QUARRY TO ALLOW THE TOWN TO OPERATE UNDER THE COUNCIL-MANAGER FORM OF GOVERNMENT.

H.J.R. 1425, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILMA DYKEMAN, ONE OF THE MOST INFLUENTIAL CONTRIBUTORS TO APPALACHIAN LITERATURE. (Res. 43)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 1227, AN ACT EXEMPTING NEW HANOVER REGIONAL MEDICAL CENTER, A NEW HANOVER COUNTY HOSPITAL, FROM STATUTORY REQUIREMENTS GOVERNING PUBLIC CONTRACTS. (Became law upon ratification, June 14, 2007 - S.L. 2007-76.)

S.B. 1456, AN ACT TO ALLOW CERTAIN TANDEM VEHICLE COMBINATIONS TO OPERATE ON HIGHWAYS WITHIN THE STATE. (Became law upon approval of the Governor, June 14, 2007 - S.L. 2007-77.)

S.B. 1132, AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN STATE GOVERNMENT BY ESTABLISHING A PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY. (Became law upon approval of the Governor, June 14, 2007 - S.L. 2007-78.)

S.B. 197, AN ACT TO REPEAL THE SUNSET OF THE 2005 AMENDMENTS TO THE LAW THAT STRENGTHENED THE PROTECTION OF CONSUMERS SEEKING ASSISTANCE WITH MANAGING THEIR DEBTS. (Became law upon approval of the Governor, June 14, 2007 - S.L. 2007-79.)

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S.B. 34, AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICIAL DUTIES. (Became law upon approval of the Governor, June 14, 2007 - S.L. 2007-80.)

H.B. 784, AN ACT TO AMEND THE FIRST DEGREE MURDER STATUTE TO CONFORM WITH THE UNITED STATES SUPREME COURT RULING IN *ROPER V. SIMMONS* THAT THE EXECUTION OF A DEFENDANT WHO WAS UNDER EIGHTEEN YEARS OF AGE AT THE TIME OF THE MURDER IS UNCONSTITUTIONAL AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT. (Became law upon approval of the Governor, June 14, 2007 - S.L. 2007-81.)

S.B. 567, AN ACT TO FACILITATE THE DISTRIBUTION OF E-BLEND FUELS. (Became law upon approval of the Governor, June 14, 2007 - S.L. 2007-82.)

S.B. 777, AN ACT TO INCREASE THE PUNISHMENT FOR VIOLATING CERTAIN LAWS REGULATING CERTIFIED PUBLIC ACCOUNTANTS. (Became law upon approval of the Governor, June 14, 2007 - S.L. 2007-83.)

S.B. 1453, AN ACT TO PREVENT THE USE OF OYSTER SHELLS IN LANDSCAPING OR HIGHWAY BEAUTIFICATION PROJECTS BY THE DEPARTMENT OF TRANSPORTATION OR ANY OTHER GOVERNMENTAL UNIT. (Became law upon approval of the Governor, June 14, 2007 - S.L. 2007-84.)

S.B. 772, AN ACT TO CHANGE THE AMOUNT OF THE FIDELITY BOND REQUIRED OF SCHOOL FINANCE OFFICERS. (Became law upon approval of the Governor, June 14, 2007 - S.L. 2007-85.)

CALENDAR *(continued)*

H.B. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING THE DESECRATION OF A GRAVE, AS RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON ABANDONED CEMETERIES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

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H.B. 107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUTES RELATING TO ABANDONED AND NEGLECTED CEMETERIES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 590 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF ANIMAL EXHIBITIONS AT AGRICULTURAL FAIRS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

H.B. 824 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GENDER EQUITY REPORTING STATUTE.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.J.R. 1053, A JOINT RESOLUTION HONORING THE FOUNDER OF UNITED PARCEL SERVICE OF AMERICA, INC., (UPS) AND RECOGNIZING THE CONTRIBUTIONS OF THE COMPANY TO THE CITIZENS OF NORTH CAROLINA ON THE COMPANY'S CENTENNIAL ANNIVERSARY.

The joint resolution passes its second (47-0) and third readings and is ordered enrolled.

S.B. 30 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LAWS TO PROVIDE GREATER PROTECTION FOR DOMESTIC VIOLENCE VICTIMS AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Boseman, the Senate concurs in the House Committee Substitute bill (47-0) and the bill 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:

H.J.R. 886, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BEN W. AIKEN, AN ADVOCATE FOR PERSONS NEEDING SERVICES AND SUPPORTS FOR MENTAL ILLNESS, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

The joint resolution passes its second reading (47-0) and third reading with members standing and is ordered enrolled.

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Upon motion of Senator Cowell, the Chair extends the courtesies of the gallery to Helen Aiken, his wife; Debra Schlueter, and his daughters; Donna Burnett, Ronnie Burnett, his daughter and son-in-law; and Jessie Burnett, his granddaughter.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Doli Bozinova-Campbell, Aberdeen; James Carpenter, Raleigh; Emily Dunn, Greensboro; Presley Garrison, Goldsboro; Mark Hamblin, Jr., Washington; Chris Hawthorne, Raleigh; Kathleen Hayes, Wilmington; Laura Holst, Wilmington; Allie Isaacson, Greensboro; Stephanie Kopelic, Concord; Emily Ledbetter, Bessemer City; Kenley Lesak, Concord; Greyson Mitchell, Cary; Caitlin Oakley, Concord; Juvarez Ogbunke, Charlotte; Ryan Owens, Albemarle; Ashwin Peres-Da-Silva, Carrboro; Allen Rowe, Rocky Mount; Jasmine Scott, Albemarle; Courtney Smith, Wallace; Jon William Sweitzer-Lamme, Durham; Malia Swift, Bessemer City; Georgia Tanner, Goldsboro; Warner Underwood, Goldsboro; Emily Washburn, Greensboro; Zoe Whiteside, Wilmington; Malissa Wiggins, Goldsboro; Christian Williams, Fayetteville; Alex Williams, Greensboro; and Taylor Williamson, Wilson.

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns subject to introduction of bills, reading of Executive Orders, and reading of messages from the House of Representatives, to meet Tuesday, June 19, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Dorsett; Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein:

S.J.R. 1566, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SENATOR JEANNE HOPKINS LUCAS.

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:

S.B. 748 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN

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SERVICES TO EXTEND THE RESTRICTION ON THE ISSUING OF LICENSES FOR HOME CARE AGENCIES BY ONE YEAR, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 19, for concurrence.

S.B. 862 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW REGULATION OF SMOKING ON THE CAMPUSES OF THE UNC HEALTH CARE SYSTEM, THE FACILITIES OF THE EAST CAROLINA SCHOOL OF MEDICINE AND PHYSICIANS PRACTICE PLAN, AND THE BUILDINGS AND GROUNDS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 19, for concurrence.

S.B. 1337 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA DENTAL HYGIENE ACT TO PROVIDE FOR CERTAIN ACTIVITIES TO BE PERFORMED BY LICENSED HYGIENISTS OUTSIDE THE DIRECT SUPERVISION OF A DENTIST, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 19, for concurrence.

H.B. 1829, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MANUFACTURED HOUSING BOARD TO USE ALTERNATIVE METHODS FOR CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE UNDER THE LAWS REGULATING MANUFACTURED HOMES.

Referred to the **Finance Committee**.

EXECUTIVE ORDERS

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows:

Executive Order Number 119, Extending Executive Order No. 77, Teacher Advisory Committee.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:53 P.M.

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EIGHTY-THIRD DAY

Senate Chamber
Tuesday, June 19, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"The Psalmist in Psalm 34:3 defined worship this way, 'Oh magnify the Lord with me and let us exalt God's name together.' Even here in the Senate we can worship today by magnifying God, enlarging our vision of God. For many of us our God is too small. But isn't what we need, a big view of God? There are big decisions to be made, big questions to be answered, big hurts to heal, big problems to be solved. We begin the work of the Senate today as worship. Imagine that. Guide us with your large and magnificent presence, O God. Amen."

Paraphrased from a devotion by Max Lucado.

The Chair grants a leave of absence for today to Senator Jenkins.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, June 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Jugta Kahai from Southport, North Carolina, who is serving the Senate as Doctor of the Day, and to Sylvia Ledford from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 30, AN ACT TO AMEND LAWS TO PROVIDE GREATER PROTECTION FOR DOMESTIC VIOLENCE VICTIMS AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

S.B. 1119, AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE STATE BUDGET ACT, TO MAKE TECHNICAL CORRECTIONS IN CERTAIN OTHER STATUTES THAT WERE AMENDED BECAUSE CONFORMING CHANGES WERE REQUIRED BY THE ENACTMENT OF

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THE STATE BUDGET ACT, TO TRANSFER THE PROVISIONS CURRENTLY IN THE EXECUTIVE BUDGET ACT REGARDING FLEXIBLE COMPENSATION TO CHAPTER 126 OF THE GENERAL STATUTES AND CLARIFY THAT THOSE PROVISIONS CONTINUE TO APPLY TO THE SAME STATE EMPLOYEES, AND TO CLARIFY THAT THE PROVISIONS REGARDING DISCONTINUED SERVICE RETIREMENT ALLOWANCE AND SEVERANCE WAGES FOR CERTAIN STATE EMPLOYEES THAT CURRENTLY APPEAR IN THE EXECUTIVE BUDGET ACT BUT THAT ARE TRANSFERRED TO CHAPTER 126 OF THE GENERAL STATUTES EFFECTIVE JULY 1, 2007, SHALL CONTINUE TO COVER THE SAME STATE EMPLOYEES.

H.B. 105, AN ACT TO MODIFY THE LAW REGARDING THE DESECRATION OF A GRAVE, AS RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON ABANDONED CEMETERIES.

H.B. 107, AN ACT TO CLARIFY THE STATUTES RELATING TO ABANDONED AND NEGLECTED CEMETERIES.

H.B. 485, AN ACT TO ENSURE THAT STUDENTS IN GRADES NINE THROUGH TWELVE RECEIVE INFORMATION ANNUALLY ABOUT THE MANNER IN WHICH A PARENT MAY LAWFULLY ABANDON A NEWBORN BABY WITH A RESPONSIBLE PERSON.

The Enrolling Clerk reports the following bill and joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1138, AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR UNION COUNTY PUBLIC SCHOOLS.

H.J.R. 1053, A JOINT RESOLUTION HONORING THE FOUNDER OF UNITED PARCEL SERVICE OF AMERICA, INC., (UPS) AND RECOGNIZING THE CONTRIBUTIONS OF THE COMPANY TO THE CITIZENS OF NORTH CAROLINA ON THE COMPANY'S CENTENNIAL ANNIVERSARY. (Res. 44)

H.J.R. 886, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BEN W. AIKEN, AN ADVOCATE FOR PERSONS NEEDING SERVICES AND SUPPORTS FOR MENTAL ILLNESS, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE. (Res. 45)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

June 19, 2007

By Senator Clodfelter for the **Select Committee on Government and Election Reform**:

H.B. 91 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 865, A BILL TO BE ENTITLED AN ACT TO REMOVE BARRIERS TO ADOPTION FOR RESIDENTS OF OTHER STATES SEEKING TO ADOPT CHILDREN IN NORTH CAROLINA UNDER THE LAWS PERTAINING TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION, with a favorable report.

H.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE REACH OF NORTH CAROLINA COURTS IN PROCEEDINGS TO TERMINATE THE PARENTAL RIGHTS OF NONRESIDENT PARENTS OF RESIDENT CHILDREN, with a favorable report.

H.B. 1549, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ENCUMBERED PROPERTY IS SUBJECT TO EXECUTION UNDER ARTICLE 28 OF CHAPTER 1 OF THE GENERAL STATUTES, with a favorable report.

H.B. 1617, A BILL TO BE ENTITLED AN ACT TO REQUIRE INVESTIGATIONS OF THE USE OF DEADLY FORCE BY LAW ENFORCEMENT OFFICERS UNDER CERTAIN CIRCUMSTANCES, with a favorable report.

H.B. 1634, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CUSTODY, VISITATION, EXPEDITED HEARING, AND ELECTRONIC COMMUNICATIONS PROCEDURES WHEN A PARENT RECEIVES MILITARY TEMPORARY DUTY, DEPLOYMENT, OR MOBILIZATION ORDERS, 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 50706, is adopted and engrossed.

By Senator East for the **State & Local Government Committee**:

H.B. 382, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ELECTIONS IN THE TOWN OF HEMBY BRIDGE SHALL BE DETERMINED BY PLURALITY, with a favorable report.

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H.B. 645 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONTINUING THE STATE HISTORICAL RECORDS ADVISORY BOARD, with a favorable report.

H.B. 695 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND AGENCIES COVERED BY THE STATE GOVERNMENT INTERNSHIP PROGRAM, with a favorable report.

H.B. 1202, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF SALISBURY TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.J.R. 192, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GARY M. CLARK, FORMER SHERIFF OF CALDWELL COUNTY.

Upon motion of Senator Jacumin, the joint resolution is read in its entirety.

The joint resolution passes its second reading (49-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Jacumin, the Chair extends the courtesies of the gallery to Kim Clark, his wife; and Megan Clark and Michelle Clark, his daughters.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 737, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAWS RELATING TO THE MONITORING OF SOLVENCY OF INSURANCE COMPANIES AND OTHER RISK-BEARING ENTITIES REGULATED BY THE COMMISSIONER OF INSURANCE, with a favorable report.

By Senator Nesbitt for the **Judiciary I Committee**:

H.B. 786, A BILL TO BE ENTITLED AN ACT TO ENSURE DISTRICT ATTORNEYS RECEIVE ALL NECESSARY INFORMATION FROM LAW

June 19, 2007

ENFORCEMENT AGENCIES AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80454, is adopted and engrossed.

H.B. 313 (Committee Substitute No. 4), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SETTLEMENT AGENTS INCLUDE THE IDENTITY OF THE LOAN ORIGINATOR ON THE DEED OF TRUST, AND THAT LENDERS INCLUDE INFORMATION REGARDING THE LOAN ORIGINATION IN THE LOAN CLOSING INSTRUCTIONS, with an unfavorable report as to Committee Substitute bill No. 4, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50703, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1479 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES AND SANCTIONS TO ADDRESS CONTEMPT BY JUVENILES.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 21.

H.B. 648 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND RECODIFY THE LAW AUTHORIZING THE DIVISION OF CORRECTION ENTERPRISES WITHIN THE DEPARTMENT OF CORRECTION.

Senator Blake offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second (47-2) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence.

H.B. 817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA RESIDENTIAL MORTGAGE FRAUD ACT.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 1340 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECOGNIZE THE VALUE OF AMATEUR RADIO COMMUNICATIONS BY REQUIRING CITY AND COUNTY ORDINANCES REGULATING ANTENNAS TO REASONABLY ACCOMMODATE AMATEUR RADIO COMMUNICATIONS.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence.

June 19, 2007

S.B. 748 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXTEND THE RESTRICTION ON THE ISSUING OF LICENSES FOR HOME CARE AGENCIES BY ONE YEAR, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dannelly, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 862 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW REGULATION OF SMOKING ON THE CAMPUSES OF THE UNC HEALTH CARE SYSTEM, THE FACILITIES OF THE EAST CAROLINA SCHOOL OF MEDICINE AND PHYSICIANS PRACTICE PLAN, AND THE BUILDINGS AND GROUNDS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 1337 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA DENTAL HYGIENE ACT TO PROVIDE FOR CERTAIN ACTIVITIES TO BE PERFORMED BY LICENSED HYGIENISTS OUTSIDE THE DIRECT SUPERVISION OF A DENTIST, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 862 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANT PROTECTION AND CONSERVATION ACT, with a favorable report.

Upon motion of Senator Albertson, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

H.B. 589, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE POULTRY PRODUCTS INSPECTION 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 70562, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

June 19, 2007

H.B. 1370, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE HIGH-UNIT-COST THRESHOLD DOES NOT APPLY TO PLANNING GRANTS AND TECHNICAL ASSISTANCE GRANTS MADE BY THE CLEAN WATER MANAGEMENT TRUST FUND FOR WASTEWATER COLLECTION SYSTEMS AND WASTEWATER TREATMENT WORKS, 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 50707, is adopted and engrossed.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Wednesday, June 20, at 2:45 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 376 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO ACQUIRE PROPERTY, CONDUCT EVIDENCE HEARINGS BY PANELS, SERVE SUBPOENAS ISSUED BY THE BOARD, AND ESTABLISH STANDARDS FOR APPLICANT REQUIREMENTS FOR MEDICATION AIDE TRAINING, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, June 20, for concurrence.

S.B. 834 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING COMMUNICATION SERVICES PROGRAM AND TO UPDATE THE LANGUAGE IN THE STATUTE TO CONFORM TO THE TERMINOLOGY USED IN THE AMERICANS WITH DISABILITIES ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, June 20, for concurrence.

H.B. 73 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE CAPITAL FACILITIES PROGRAM BY DIRECTING THE STATE BUILDING COMMISSION TO REVIEW THE PROGRAM AND IMPLEMENT MEASURES TO REDUCE DELAYS AND INCREASE ACCOUNTABILITY AMONG THE PARTIES TO THE DESIGN AND CONSTRUCTION PROCESS, BY INCREASING THE BIDDING AND DESIGNER SELECTION THRESHOLDS FOR STATE CONSTRUCTION CONTRACTS, AND BY DIRECTING THE STATE PERSONNEL OFFICE TO CONDUCT A MARKET STUDY OF ARCHITECT AND ENGINEERING POSITION CLASSIFICATIONS.

Referred to the **Commerce, Small Business and Entrepreneurship Committee**.

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H.B. 818 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:44 P.M.

EIGHTY-FOURTH DAY

Senate Chamber
Wednesday, June 20, 2007

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 Steve Goss, Senator from Watauga County, as follows:

"Our Heavenly Father, today we gather again for another time of Session, a time of law-making, a time of discussion, thinking, talking, relating one to another. We simply pray, Father, that we understand the levity of our decisions and truly, as we move forward in these decision making processes that we constantly understand that there are so many things, so much bigger than we are and that we are simply the gate-keepers. The sweat of the brow, of the people of North Carolina. In you name we pray. Amen."

The Chair grants leaves of absence for today to Senator Jenkins and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, 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 privileges of the floor to Dr. Valerie J. Gilchrist from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Meki Jacobs Graham from Lake Waccamaw, North Carolina, who is serving the Senate as Nurse of the Day.

June 20, 2007

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 748, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXTEND THE RESTRICTION ON THE ISSUING OF LICENSES FOR HOME CARE AGENCIES BY ONE YEAR.

S.B. 862, AN ACT TO ALLOW REGULATION OF SMOKING ON THE CAMPUSES OF THE UNC HEALTH CARE SYSTEM, THE FACILITIES OF THE EAST CAROLINA SCHOOL OF MEDICINE AND PHYSICIANS PRACTICE PLAN, AND THE BUILDINGS AND GROUNDS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

S.B. 1337, AN ACT AMENDING THE NORTH CAROLINA DENTAL HYGIENE ACT TO PROVIDE FOR CERTAIN ACTIVITIES TO BE PERFORMED BY LICENSED HYGIENISTS OUTSIDE THE DIRECT SUPERVISION OF A DENTIST.

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. 192, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GARY M. CLARK, FORMER SHERIFF OF CALDWELL COUNTY. (Res. 46)

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. 350, AN ACT AUTHORIZING THE TOWNS OF APEX, GARNER, AND KNIGHTDALE TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS. (Became law upon ratification, June 18, 2007 - S.L. 2007-86.)

H.B. 836, AN ACT RELATING TO THE DEFINITION OF SUBDIVISIONS IN BERTIE COUNTY. (Became law upon ratification, June 18, 2007 - S.L. 2007-87.)

H.B. 925, AN ACT TO AUTHORIZE THE TOWN OF GRANITE QUARRY AND THE TOWN OF FAITH TO ESTABLISH A JOINT POLICE AUTHORITY TO PROVIDE POLICE PROTECTION FOR THE TWO TOWNS. (Became law upon ratification, June 18, 2007 - S.L. 2007-88.)

June 20, 2007

H.B. 1141, AN ACT AMENDING THE CHARTER OF THE TOWN OF GRANITE QUARRY TO ALLOW THE TOWN TO OPERATE UNDER THE COUNCIL-MANAGER FORM OF GOVERNMENT. (Became law upon ratification, June 18, 2007 - S.L. 2007-89.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Malone for the **Education/Public Instruction Committee**:

H.B. 150, 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 DROPOUT RATES IN LATER GRADES, with a favorable report.

H.B. 915, A BILL TO BE ENTITLED AN ACT ENCOURAGING THE PUBLIC SCHOOLS, THE COMMUNITY COLLEGE SYSTEM, AND THE UNIVERSITY OF NORTH CAROLINA TO OFFER AMERICAN SIGN LANGUAGE FOR CREDIT AS A MODERN FOREIGN LANGUAGE, with a favorable report.

H.B. 1449, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR TERMS FOR THE MEMBERS OF THE NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS 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 70565, is adopted and engrossed.

H.B. 1464, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT RULES PROVIDING FOR EXCUSED ABSENCES FROM SCHOOL FOR LEGISLATIVE PAGES, 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 30498, which changes the title to read **H.B. 1464** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT RULES PROVIDING FOR EXCUSED ABSENCES FROM SCHOOL FOR LEGISLATIVE AND GOVERNOR'S PAGES, is adopted and engrossed.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

June 20, 2007

H.B. 24 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC FROM THE HEALTH RISKS OF SECONDHAND SMOKE BY PROHIBITING SMOKING IN BUILDINGS OWNED, LEASED, OR OCCUPIED BY STATE GOVERNMENT; AND TO AUTHORIZE LOCAL GOVERNMENTS TO REGULATE SMOKING IN BUILDINGS AND TRANSPORTATION VEHICLES OWNED, LEASED, OR OCCUPIED BY LOCAL GOVERNMENT AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60369, is adopted and engrossed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 1290 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW EARLIER CONDITIONAL RESTORATION OF A DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS TO BE USED TO MONITOR INDIVIDUALS WHO HAVE BEEN SENTENCED FOR DWI CONVICTIONS OR AS NECESSARY BY THE COURTS TO ENSURE COMPLIANCE WITH CONDITIONS OF RELEASE, PROBATION, OR PAROLE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, June 21.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 382, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ELECTIONS IN THE TOWN OF HEMBY BRIDGE SHALL BE DETERMINED BY PLURALITY.

The bill passes its second (39-0) and third readings and is ordered enrolled.

H.B. 1202, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF SALISBURY TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS.

The bill passes its second (39-0) and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 118 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO DECLARE A VACANCY IN THE

June 20, 2007

OFFICE OF DISTRICT COURT JUDGE, SUPERIOR COURT JUDGE, JUDGE OF THE COURT OF APPEALS, JUSTICE OF THE SUPREME COURT, OR DISTRICT ATTORNEY WHEN THE INCUMBENT DOES NOT HAVE THE LEGAL RIGHT TO EXERCISE ITS FUNCTIONS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Rules are suspended and the House Committee Substitute bill is placed on the Calendar for immediate consideration, upon concurrence.

Upon motion of Senator Rand, 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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

H.B. 1354 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A MOTOR VEHICLE CHOP SHOP LAW REGARDING THE RECEIVING, POSSESSION, AND DISTRIBUTION OF STOLEN OR ALTERED MOTOR VEHICLES AND MOTOR VEHICLE PARTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70564, 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 20, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S.J.R. 1168**, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise G. Weeks
Principal Clerk

June 20, 2007

The Chair orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives pursuant to S.J.R. 1168.

Upon motion of Senator Basnight, in accordance with S.J.R. 1168, the Senate stands in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session to confirm the Governor's appointments to the State Board of Education and, upon his further motion, upon dissolution of the Joint Session, to return to the Senate Chamber for further consideration of business.

JOINT SESSION

With Members of the House of Representatives standing, the Senate is received and the Joint Session is called to order by Lieutenant Governor, Beverly E. Perdue, President of the Senate.

The President of the Senate directs the Reading Clerk of the Senate to call the roll of the Senate and the following members answer the call:

Senators Albertson, Allran, Apodaca, Atwater, Berger or Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, and Tillman-- 46.

The roll of the House of Representatives is called electronically and the following members answer the call:

Speaker Hackney; Representatives Adams, Alexander, Allen, Allred, Almond, Avila, Barnhart, Bell, Blackwood, Blue, Blust, Bordsen, Boylan, Braxton, Brisson, Brown, Brubaker, Bryant, Carney, Church, Clary, Cleveland, Coates, Cole, Coleman, Cotham, Crawford, Current, Daughtridg, Daughtry, Dickson, Dockham, Dollar, Earle, England, Faison, Fisher, Folwell, Frye, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Hall, Harrell, J., Harrell, T., Harrison, Hill, Holliman, Holloway, Holmes, Howard, Hurley, Insko, Jeffus, Johnson, Jones, Justice, Justus, Killian, Kiser, Langdon, Lewis, Love, Luebke, Lucas, Martin, McAllister, McComas, McElraft, McGee, McLawhorn, Michaux, Mobley, Moore, Neumann, Owens, Parmon, Pate, Pierce, Rapp, Ray, Ross, Samuelson, Saunders, Spear, Stam, Starnes, Steen, Stiller, Sutton, Tarleton, Thomas, Tillis, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, Warren, E., Warren, R., Weiss, West, Wiley, Wilkins, Williams, Womble, Wray, Wright. and Yongue-- 114.

The President of the Senate declares a quorum of each Body present and announces the Joint Session shall proceed with the business for which it convened, the confirmation of the appointments by the Governor of members to the State Board of Education as outlined in **S.J.R. 1169** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE

June 20, 2007

APPOINTMENTS BY THE GOVERNOR OF KEVIN D. HOWELL AND EULADA P. WATT TO THE STATE BOARD OF EDUCATION.

Senator Rand offers a motion that the Committee Substitute joint resolution be placed before the Senate for immediate consideration, which motion prevails. Senator Swindell is recognized to speak to the passage of the Committee Substitute joint resolution whereupon he speaks to the qualifications of the individual appointees.

The Senate passes the Committee Substitute joint resolution on its second reading (46-0).

Without objection, the Committee Substitute joint resolution remains before the Senate for further consideration upon third reading. The Committee Substitute joint resolution passes its third reading and is ordered sent to the House of Representatives by special message.

The President of the Senate relinquishes the gavel to Representative Hackney, Speaker of the House of Representatives, who presides.

The Speaker calls for messages from the Senate and directs the Reading Clerk of the House of Representatives to read, as follows:

S.J.R. 1169 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF KEVIN D. HOWELL AND EULADA P. WATT TO THE STATE BOARD OF EDUCATION

The House of Representatives passes the Committee Substitute joint resolution on its second reading (109-5).

Without objection, the Committee Substitute joint resolution remains before the House of Representatives for further consideration, upon third reading. The Committee Substitute joint resolution passes its third reading and the Speaker orders the measure enrolled.

The Speaker of the House of Representatives announces that the Senate and House of Representatives, sitting in Joint Session, confirm Governor Easley's appointments of Kevin D. Howell and Eulada P. Watt to the State Board of Education and orders the Governor notified pursuant to G.S. 143-47.7 of the action of the General Assembly taken on this date.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1169, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF KEVIN D. HOWELL AND EULADA P. WATT TO THE STATE BOARD OF EDUCATION. (Res. 47)

Speaker Hackney recognizes Senator Dannelly who offers a motion, seconded by Senator Soles, that the Joint Session be dissolved and pursuant to the motion heretofore made, that the Senate return to its Chamber for consideration of further business, which motion prevails.

June 20, 2007

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 Cowell for the **Information Technology Committee**:

H.B. 584, A BILL TO BE ENTITLED AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10247, which changes the title to read **H.B. 584** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES, AND TO CHANGE THE MEMBERSHIP OF THE INFORMATION TECHNOLOGY ADVISORY BOARD, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 91 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES.

Senator Brock offers Amendment No. 1.

Senator Rand offers a motion that Amendment No. 1 lie upon the table, seconded by Senator Clodfelter, which motion prevails (29-19).

Senator Berger of Rockingham offers Amendment No. 2.

Senator Rand calls the previous question on the adoption of Amendment No. 2, through the passage of the bill, seconded by Senator Clodfelter, which motion prevails (29-19).

Amendment No. 2 is adopted (39-9).

The Senate Committee Substitute bill, as amended, passes its second (33-15) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence.

June 20, 2007

H.B. 313 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SETTLEMENT AGENTS INCLUDE THE IDENTITY OF THE LOAN ORIGINATOR ON THE DEED OF TRUST, AND THAT LENDERS INCLUDE INFORMATION REGARDING THE LOAN ORIGINATION IN THE LOAN CLOSING INSTRUCTIONS.

Senator Clodfelter offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence.

H.B. 645 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONTINUING THE STATE HISTORICAL RECORDS ADVISORY BOARD.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 1332, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO RAISE THE CEILING ON CERTAIN FEES AND AMENDING AND UPDATING CERTAIN OTHER PROVISIONS UNDER THE LAWS REGULATING HEARING AID DEALERS AND FITTERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75425, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 625 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES, AND TO MAKE OTHER CONFORMING AND STATUTORY 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 60372, which changes the title to read **H.B. 625** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES AND TO MAKE OTHER CONFORMING AND STATUTORY CHANGES, is adopted and engrossed.

June 20, 2007

H.B. 1372 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE REVISED UNIFORM ANATOMICAL GIFT ACT; TO PROVIDE THAT THE DECISION TO HAVE THE HEART SYMBOL ON ONE'S DRIVERS LICENSE IS LEGALLY SUFFICIENT CONSENT TO ORGAN AND TISSUE DONATION UNLESS REVOKED BY THE DONOR; TO IMPROVE DONOR OR PROSPECTIVE DONOR ONLINE ACCESS TO INDICATE OR REVOKE ORGAN AND TISSUE DONATION; AND TO MAKE CONFORMING CHANGES TO OTHER AFFECTED GENERAL STATUTES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30499, which changes the title to read **H.B. 1372** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE REVISED UNIFORM ANATOMICAL GIFT ACT; TO PROVIDE THAT THE DECISION TO HAVE THE HEART SYMBOL ON ONE'S DRIVERS LICENSE IS LEGALLY SUFFICIENT CONSENT TO ORGAN DONATION UNLESS REVOKED BY THE DONOR; TO IMPROVE DONOR OR PROSPECTIVE DONOR ONLINE ACCESS TO INDICATE OR REVOKE ORGAN AND TISSUE DONATION; AND TO MAKE CONFORMING CHANGES TO OTHER AFFECTED GENERAL STATUTES, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Judiciary II Committee**.

H.B. 1488 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE PSYCHOLOGY PRACTICE ACT TO CLARIFY REQUIREMENTS FOR PERMANENT 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 80455, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR *(continued)*

H.B. 695 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND AGENCIES COVERED BY THE STATE GOVERNMENT INTERNSHIP PROGRAM.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 737, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAWS RELATING TO THE MONITORING OF SOLVENCY OF INSURANCE COMPANIES AND OTHER RISK-BEARING ENTITIES REGULATED BY THE COMMISSIONER OF INSURANCE.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

June 20, 2007

H.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAW REGARDING TESTAMENTARY ADDITIONS TO TRUSTS, AND TO CODIFY THE DOCTRINES OF INCORPORATION BY REFERENCE AND ACTS OF INDEPENDENT SIGNIFICANCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 26.

H.B. 1549, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ENCUMBERED PROPERTY IS SUBJECT TO EXECUTION UNDER ARTICLE 28 OF CHAPTER 1 OF THE GENERAL STATUTES.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 26.

H.B. 786 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE DISTRICT ATTORNEYS RECEIVE ALL NECESSARY INFORMATION FROM LAW ENFORCEMENT AGENCIES AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 865, A BILL TO BE ENTITLED AN ACT TO REMOVE BARRIERS TO ADOPTION FOR RESIDENTS OF OTHER STATES SEEKING TO ADOPT CHILDREN IN NORTH CAROLINA UNDER THE LAWS PERTAINING TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE REACH OF NORTH CAROLINA COURTS IN PROCEEDINGS TO TERMINATE THE PARENTAL RIGHTS OF NONRESIDENT PARENTS OF RESIDENT CHILDREN.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1370 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE HIGH-UNIT-COST THRESHOLD DOES NOT APPLY TO PLANNING GRANTS AND TECHNICAL ASSISTANCE GRANTS MADE BY THE CLEAN WATER MANAGEMENT TRUST FUND FOR WASTEWATER COLLECTION SYSTEMS AND WASTEWATER TREATMENT WORKS.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence.

June 20, 2007

H.B. 1617, A BILL TO BE ENTITLED AN ACT TO REQUIRE INVESTIGATIONS OF THE USE OF DEADLY FORCE BY LAW ENFORCEMENT OFFICERS UNDER CERTAIN CIRCUMSTANCES.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1634 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CUSTODY, VISITATION, EXPEDITED HEARING, AND ELECTRONIC COMMUNICATIONS PROCEDURES WHEN A PARENT RECEIVES MILITARY TEMPORARY DUTY, DEPLOYMENT, OR MOBILIZATION ORDERS.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE COMMISSION FOR HEALTH SERVICES TO BETTER REFLECT THE FUNCTIONS AND DUTIES PERFORMED BY THE DIVISION AND THE COMMISSION.

Senator Jones offers Amendment No. 1 which is adopted (38-9).

The Committee Substitute bill, as amended, passes its second (44-3) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 376 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO ACQUIRE PROPERTY, CONDUCT EVIDENCE HEARINGS BY PANELS, SERVE SUBPOENAS ISSUED BY THE BOARD, AND ESTABLISH STANDARDS FOR APPLICANT REQUIREMENTS FOR MEDICATION AIDE TRAINING, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 834 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING COMMUNICATION SERVICES PROGRAM AND TO UPDATE THE LANGUAGE IN THE STATUTE TO CONFORM TO THE TERMINOLOGY USED IN THE AMERICANS WITH DISABILITIES ACT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jones, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

Upon motion of Senator Basnight, seconded by Senator Boseman, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet Thursday, June 21, at 11:00 A.M.

June 20, 2007

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 885, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF APEX AND MORRISVILLE TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWN, with a favorable report.

H.B. 942, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OAK ISLAND TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF THE LOCAL SHARE OF CONSTRUCTING BEACH NOURISHMENT PROJECTS PRIOR TO THE CONSTRUCTION OF THE PROJECTS, with a favorable report.

H.B. 1112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MATTHEWS TO USE PROCEEDS FROM THE MOTOR VEHICLE TAX, ASSESSED PURSUANT TO G.S. 20-97, FOR ROAD CONSTRUCTION, MAINTENANCE, AND REPAIR, INCLUDING SIDEWALKS, OR FOR PUBLIC MASS TRANSIT SYSTEMS AND MASS TRANSIT-RELATED ACTIVITIES, with a favorable report.

H.B. 1153, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH, with a favorable report.

H.B. 1193, A BILL TO BE ENTITLED AN ACT ADDING NONCONTIGUOUS MUNICIPAL OWNED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF RAMSEUR, with a favorable report.

S.B. 384, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE COUNTY 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 85340, which changes the title to read **S.B. 384** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO EXTEND THE SUNSET ON THE CURRENT DISTRIBUTION FORMULA, is adopted and engrossed.

H.B. 464 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW JONES COUNTY AND CASWELL COUNTY TO REQUIRE THE

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REGISTER OF DEEDS NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR HAS CERTIFIED THAT NO TAXES WITH WHICH THE COLLECTOR IS CHARGED ARE A LIEN ON THE PROPERTY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50710, which changes the title to read **H.B. 464** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTIES OF BURKE, CALDWELL, CASWELL, GREENE, JONES, AND WAYNE TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, is adopted and engrossed.

H.B. 1089 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF FRANKLINTON TO PROVIDE FOR A COUNCIL-MANAGER FORM OF GOVERNMENT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80456, which changes the title to read **H.B. 1089** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF FRANKLINTON TO PROVIDE FOR A COUNCIL-MANAGER FORM OF GOVERNMENT AND TO ALLOW THE LAKE ROYALE COMPANY POLICE TO ENTER INTO MUTUAL AID AGREEMENTS WITH FRANKLIN COUNTY FOR THE PURPOSE OF PARTICIPATING IN A MULTI-JURISDICTIONAL DRUG TASK FORCE AT THE REQUEST OF THE FRANKLIN COUNTY SHERIFF, is adopted and engrossed.

H.B. 1492 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF ANESTHESIOLOGIST ASSISTANTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30500, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:14 P.M.

EIGHTY-FIFTH DAY

Senate Chamber
Thursday, June 21, 2007

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 Senate family comes before you today praying for the people of Charleston, South Carolina, especially for the families of the nine brave firefighters who lost their lives in the tragic fire in that city. From one who knew the rewards and risks of such a calling, we hear a fire captain's prayer as our prayer today: 'Dear God, please guide me in my plight. Help me think quickly, but safely. Guide my hand to help those who are seeking rescue. Give me the wisdom to help the injured and the weak. To help those who have no will for life. Grant me the strength to fight the fire with assertive skill. And God please grant me the ability to return home, to my family. But, if in your wisdom I may give my life, protect my family from harm, no matter what the foe. We call on you to answer this prayer, O God. Amen.'"

The Chair grants leaves of absence for today to Senator Cowell, Senator Dorsett, Senator Jenkins, Senator Pittenger and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, 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 privileges of the floor to Dr. Carlos Rish from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Meki Jacobs Graham from Lake Waccamaw, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 118, AN ACT TO ALLOW THE GOVERNOR TO DECLARE A VACANCY IN THE OFFICE OF DISTRICT COURT JUDGE, SUPERIOR COURT JUDGE, JUDGE OF THE COURT OF APPEALS, JUSTICE OF THE SUPREME COURT, OR DISTRICT ATTORNEY WHEN THE INCUMBENT DOES NOT HAVE THE LEGAL RIGHT TO EXERCISE ITS FUNCTIONS.

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S.B. 125, AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL AN INSTRUMENT THAT CAN BE USED TO VAPORIZE OR INTRODUCE ETHYL ALCOHOL INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION.

S.B. 211, AN ACT TO REVISE THE LAW GOVERNING ELECTRONIC SIGNATURES BY CLARIFYING THAT PUBLIC AGENCIES MAY USE, AS WELL AS ACCEPT, ELECTRONIC SIGNATURES.

S.B. 376, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO ACQUIRE PROPERTY, CONDUCT EVIDENCE HEARINGS BY PANELS, SERVE SUBPOENAS ISSUED BY THE BOARD, AND ESTABLISH STANDARDS FOR APPLICANT REQUIREMENTS FOR MEDICATION AIDE TRAINING.

S.B. 834, AN ACT TO CLARIFY THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING COMMUNICATION SERVICES PROGRAM AND TO UPDATE THE LANGUAGE IN THE STATUTE TO CONFORM TO THE TERMINOLOGY USED IN THE AMERICANS WITH DISABILITIES ACT.

H.B. 36, AN ACT TO IMPROVE THE OVERSIGHT OF HAZARDOUS WASTE FACILITIES, AS RECOMMENDED BY THE GOVERNOR'S HAZARDOUS MATERIALS TASK FORCE.

H.B. 353, AN ACT TO PROVIDE ACCESS TO INFORMATION FOR PUBLIC HEALTH PURPOSES IN A MANNER THAT IS CONSISTENT WITH THE HEALTH INFORMATION PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) MEDICAL PRIVACY RULE AND TO CLARIFY THAT OTHER DISCLOSURES ARE GOVERNED BY HIPAA.

H.B. 645, AN ACT CONTINUING THE STATE HISTORICAL RECORDS ADVISORY BOARD.

H.B. 695, AN ACT TO EXPAND AGENCIES COVERED BY THE STATE GOVERNMENT INTERNSHIP PROGRAM.

H.B. 737, AN ACT TO MAKE CHANGES IN THE LAWS RELATING TO THE MONITORING OF SOLVENCY OF INSURANCE COMPANIES AND OTHER RISK-BEARING ENTITIES REGULATED BY THE COMMISSIONER OF INSURANCE.

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H.B. 865, AN ACT TO REMOVE BARRIERS TO ADOPTION FOR RESIDENTS OF OTHER STATES SEEKING TO ADOPT CHILDREN IN NORTH CAROLINA UNDER THE LAWS PERTAINING TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION.

H.B. 866, AN ACT TO EXPAND THE REACH OF NORTH CAROLINA COURTS IN PROCEEDINGS TO TERMINATE THE PARENTAL RIGHTS OF NONRESIDENT PARENTS OF RESIDENT CHILDREN.

H.B. 1617, AN ACT TO REQUIRE INVESTIGATIONS OF THE USE OF DEADLY FORCE BY LAW ENFORCEMENT OFFICERS UNDER CERTAIN CIRCUMSTANCES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 382, AN ACT TO PROVIDE THAT ELECTIONS IN THE TOWN OF HEMBY BRIDGE SHALL BE DETERMINED BY PLURALITY.

H.B. 1202, AN ACT AUTHORIZING THE CITY OF SALISBURY TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS.

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. 1138, AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR UNION COUNTY PUBLIC SCHOOLS. (Became law upon ratification, June 19, 2007 - S.L. 2007-90.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 942, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OAK ISLAND TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF THE LOCAL SHARE OF CONSTRUCTING BEACH NOURISHMENT PROJECTS PRIOR TO THE CONSTRUCTION OF THE PROJECTS.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 27.

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**BILLS ORDERED SENT TO THE GOVERNOR AND
THE HOUSE OF REPRESENTATIVES**

With unanimous consent, upon motion of Senator Rand, all bills ordered sent to the Governor and the House of Representatives on Thursday, June 21, through June 30, will be sent by special message.

CALENDAR (*continued*)

H.B. 24 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC FROM THE HEALTH RISKS OF SECONDHAND SMOKE BY PROHIBITING SMOKING IN BUILDINGS OWNED, LEASED, OR OCCUPIED BY STATE GOVERNMENT; AND TO AUTHORIZE LOCAL GOVERNMENTS TO REGULATE SMOKING IN BUILDINGS AND TRANSPORTATION VEHICLES OWNED, LEASED, OR OCCUPIED BY LOCAL GOVERNMENT AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

Upon motion of Senator Purcell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 26.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.J.R. 1976, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ROBERT P. GRUBER AS EXECUTIVE DIRECTOR OF THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION, with a favorable report.

CONFERENCE REPORT

Senator Preston, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 465** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REWRITE THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

June 21, 2007

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 465, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REWRITE THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, House Committee Substitute Favorable 6/4/07, submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute Adopted 3/15/07, House Committee Substitute Favorable 6/4/07, and the Senate concurs in the House Committee Substitute as amended:

On page 1, lines 21-22, by rewriting the lines to read:

"accommodations furnished by the following:

- (1) Religious organizations.
- (2) Educational organizations.
- (3) Any business that offers to rent fewer than five units.
- (4) Summer camps.
- (5) Charitable, benevolent, and other nonprofit organizations.";

And on page 2, line 36, by adding the following after the period:

"The Carteret County Tax Collector must establish procedures to periodically audit the businesses subject to the tax levied under this act in order to ensure compliance with this act."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 21, 2007.

Conferees for the Senate

Conferees for the House of Representatives

S/Jean Preston, Chair

S/Pat McElraft, Chair

S/Julia Boseman

S/Pat B. Hurley

S/Harry Brown

S/Russell E. Tucker

Upon motion of Senator Preston, the Conference Report is placed on the Calendar for Monday, June 25, for adoption, upon second reading.

CALENDAR *(continued)*

S.B. 384 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO EXTEND

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THE SUNSET ON THE CURRENT DISTRIBUTION FORMULA, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Tillman---43.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 25, upon third reading.

H.B. 1089 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF FRANKLINTON TO PROVIDE FOR A COUNCIL-MANAGER FORM OF GOVERNMENT AND TO ALLOW THE LAKE ROYALE COMPANY POLICE TO ENTER INTO MUTUAL AID AGREEMENTS WITH FRANKLIN COUNTY FOR THE PURPOSE OF PARTICIPATING IN A MULTI-JURISDICTIONAL DRUG TASK FORCE AT THE REQUEST OF THE FRANKLIN COUNTY SHERIFF, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Tillman---43.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, June 25, upon third reading.

H.B. 1193, A BILL TO BE ENTITLED AN ACT ADDING NONCONTIGUOUS MUNICIPAL OWNED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF RAMSEUR, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Tillman---43.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 25, upon third reading.

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H.B. 885, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF APEX AND MORRISVILLE TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWN, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 34, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Berger of Franklin, Bingham, Blake, Boseman, Brunstetter, Clodfelter, Dalton, Dannelly, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, Nesbitt, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens and Swindell---34.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, Brown, East, Forrester, Jacumin, Preston and Tillman---9.

The bill remains on the Calendar for Monday, June 25, upon third reading.

H.B. 1112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MATTHEWS TO USE PROCEEDS FROM THE MOTOR VEHICLE TAX, ASSESSED PURSUANT TO G.S. 20-97, FOR ROAD CONSTRUCTION, MAINTENANCE, AND REPAIR, INCLUDING SIDEWALKS, OR FOR PUBLIC MASS TRANSIT SYSTEMS AND MASS TRANSIT-RELATED ACTIVITIES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 36, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Bingham, Blake, Boseman, Brunstetter, Clodfelter, Dalton, Dannelly, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, Nesbitt, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens and Swindell---36.

Voting in the negative: Senators Berger of Rockingham, Brock, Brown, Forrester, Jacumin, Preston and Tillman---7.

The Committee Substitute bill remains on the Calendar for Monday, June 25, upon third reading.

H.B. 464 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTIES OF BURKE, CALDWELL, CASWELL, GREENE, JONES, AND WAYNE TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

The Senate Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 584 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY

June 21, 2007

LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES, AND TO CHANGE THE MEMBERSHIP OF THE INFORMATION TECHNOLOGY ADVISORY BOARD.

The President of the Senate rules that the Senate Committee Substitute bill does not require a call of the roll in the Senate.

The Senate Committee Substitute bill passes its second reading (43-0).

Senator Graham objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 25, upon third reading.

H.B. 1153, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 25.

H.B. 1492 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSURE OF ANESTHESIOLOGIST ASSISTANTS.

The President of the Senate rules that the Senate Committee Substitute bill does not require a call of the roll in the Senate.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 150, 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 DROPOUT RATES IN LATER GRADES.

The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 625 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES AND TO MAKE OTHER CONFORMING AND STATUTORY CHANGES.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 915, A BILL TO BE ENTITLED AN ACT ENCOURAGING THE PUBLIC SCHOOLS, THE COMMUNITY COLLEGE SYSTEM, AND THE UNIVERSITY OF NORTH CAROLINA TO OFFER AMERICAN SIGN LANGUAGE FOR CREDIT AS A MODERN FOREIGN LANGUAGE.

The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor by special message.

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H.B. 1354 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A MOTOR VEHICLE CHOP SHOP LAW REGARDING THE RECEIVING, POSSESSION, AND DISTRIBUTION OF STOLEN OR ALTERED MOTOR VEHICLES AND MOTOR VEHICLE PARTS.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1449 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR TERMS FOR THE MEMBERS OF THE NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS COMMISSION.

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.

H.B. 1464 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT RULES PROVIDING FOR EXCUSED ABSENCES FROM SCHOOL FOR LEGISLATIVE AND GOVERNOR'S PAGES.

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.

H.B. 1479 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROCEDURES AND SANCTIONS TO ADDRESS CONTEMPT BY JUVENILES.

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. 1290 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW EARLIER CONDITIONAL RESTORATION OF A DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS TO BE USED TO MONITOR INDIVIDUALS WHO HAVE BEEN SENTENCED FOR DWI CONVICTIONS OR AS NECESSARY BY THE COURTS TO ENSURE COMPLIANCE WITH CONDITIONS OF RELEASE, PROBATION, OR PAROLE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Snow, 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.

Upon motion of Senator Basnight, seconded by Senator Bingham, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet Monday, June 25, at 7:00 P.M.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

H.B. 590 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF ANIMAL EXHIBITIONS AT AGRICULTURAL FAIRS, with a favorable report.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 17 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRETRIAL RELEASE REQUIREMENTS FOR SEX OFFENDERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 25, for concurrence.

S.B. 1055 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REBATES TO BE MAILED TO CONSUMERS WITHIN A CERTAIN TIME FRAME AND TO REQUIRE THE DISCLOSURE OF THE TERMS OF THE REBATE OFFERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 25, for concurrence.

H.B. 135 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES FOR MOTORCYCLE MANUFACTURERS IN NORTH CAROLINA.

Referred to the **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1499 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE HOMESTEAD EXCLUSION INCOME LIMIT TO TWENTY-FIVE THOUSAND DOLLARS FOR NORTH CAROLINA RESIDENTS WHO ARE AT LEAST SIXTY-FIVE YEARS OF AGE OR WHO ARE TOTALLY AND PERMANENTLY DISABLED.

Referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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By Senator Hoyle for the **Finance Committee**:

S.B. 242, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A UNIFORM PROCEDURE FOR TAX REFUND CLAIMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35396, which changes the title to read **S.B. 242** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE PROCESS FOR ADMINISTRATIVE AND JUDICIAL REVIEW OF DISPUTED TAX MATTERS AND TO LIMIT A CORPORATION'S ABILITY TO USE REAL ESTATE INVESTMENT TRUSTS TO AVOID STATE TAXES, is adopted and engrossed.

H.B. 1163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN DESCRIBED PROPERTY TO BE ADDED TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS AND AUTHORIZING THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50713, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 1:54 P.M.

EIGHTY-SIXTH DAY

Senate Chamber
Monday, June 25, 2007

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 Vernon E. Potter, Jr., Ebenezer Pentecostal Holiness Church, Nashville, North Carolina as follows:

"Our Father who art in heaven, we honor and praise you for the grace extended to this land we live and work in. We praise your wisdom for providing through divine providence, these in the North Carolina Senate you have chosen by divine grace to entrust the leadership of our State. Give them the meekness of

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spirit and humility of heart to remember that all things we have been entrusted with on this earth are the elements of your creation and we have been granted stewardship over these blessings by your grace. May they courageously and with conviction of spirit guided by the infallible words you have delivered to our fathers, govern with wisdom and justice in harmony with your law and covenant. We admit freely that all of us fallible are by the impediments of our nature, yet able through confession through Christ, to receive forgiveness and the guidance of the Spirit of God who will lead us into all truth. May you grant protection to these men and women and their families, physically, mentally, and spiritually as our enemy desires to destroy our foundation and defame our just cause. At this hour of dramatic importance in the history of our State, we declare as taught to pray by our Lord, that yours our God is the kingdom, and the glory, and the power forever and ever. Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, 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 privileges of the floor to Dr. Timothy M. Beittel from Thomasville, 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.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 242 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE PROCESS FOR ADMINISTRATIVE AND JUDICIAL REVIEW OF DISPUTED TAX MATTERS AND TO LIMIT A CORPORATION'S ABILITY TO USE REAL ESTATE INVESTMENT TRUSTS TO AVOID STATE TAXES.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 26.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 164, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RULES AND REGULATIONS REGARDING HOUSING INDIVIDUALS WITH MENTAL ILLNESS IN THE SAME FACILITY VICINITY AS INDIVIDUALS WITHOUT MENTAL

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ILLNESS, AND TO RECOMMEND STAFF TRAINING REQUIREMENTS FOR DIRECT CARE WORKERS IN ADULT CARE HOMES TO PROVIDE APPROPRIATE CARE TO RESIDENTS WITH MENTAL ILLNESS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

S.B. 680, AN ACT TO STREAMLINE REGULATION OF TELECOMMUNICATIONS PROMOTIONS.

S.B. 878, AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES.

S.B. 1290, AN ACT TO ALLOW EARLIER CONDITIONAL RESTORATION OF A DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS TO BE USED TO MONITOR INDIVIDUALS WHO HAVE BEEN SENTENCED FOR DWI CONVICTIONS OR AS NECESSARY BY THE COURTS TO ENSURE COMPLIANCE WITH CONDITIONS OF RELEASE, PROBATION, OR PAROLE.

S.B. 1472, AN ACT TO AMEND THE DISTRIBUTION OF THE PROCEEDS OF THE SCRAP TIRE DISPOSAL TAX TO INCREASE FUNDS ALLOCATED TO COUNTIES FOR THE DISPOSAL OF SCRAP TIRES, TO INCREASE FUNDS ALLOCATED TO THE SOLID WASTE MANAGEMENT TRUST FUND, AND TO DECREASE FUNDS ALLOCATED TO THE SCRAP TIRE DISPOSAL ACCOUNT.

H.B. 150, AN ACT FOR MODIFYING THE SCHOOL ADMISSION REQUIREMENTS TO ENSURE THAT EVERY CHILD IS READY TO ENTER KINDERGARTEN AND THEREBY REDUCE STUDENT DROPOUT RATES IN LATER GRADES.

H.B. 824, AN ACT TO AMEND THE GENDER EQUITY REPORTING STATUTE.

H.B. 915, AN ACT ENCOURAGING THE PUBLIC SCHOOLS, THE COMMUNITY COLLEGE SYSTEM, AND THE UNIVERSITY OF NORTH CAROLINA TO OFFER AMERICAN SIGN LANGUAGE FOR CREDIT AS A MODERN FOREIGN LANGUAGE.

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H.B. 1479, AN ACT TO PROVIDE PROCEDURES AND SANCTIONS TO ADDRESS CONTEMPT BY JUVENILES.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 620, AN ACT TO AUTHORIZE COUNTIES TO MAKE LOANS TO CITIES UNDER CERTAIN CONDITIONS FOR THE PURPOSE OF REPAYING A DEBT OWED TO THE FEDERAL GOVERNMENT. (Became law upon approval of the Governor, June 20, 2007 - S.L. 2007-91.)

H.B. 1519, AN ACT TO MODIFY THE LAW PERTAINING TO THE RESOLUTION OF DISPUTES BETWEEN THE BOARD OF EDUCATION AND THE BOARD OF COUNTY COMMISSIONERS REGARDING SCHOOL FUNDING. (Became law upon approval of the Governor, June 20, 2007 - S.L. 2007-92.)

S.B. 1248, AN ACT TO CHANGE THE NAME OF THE NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO NORTH CAROLINA'S NORTHEAST COMMISSION. (Became law upon approval of the Governor, June 20, 2007 - S.L. 2007-93.)

S.B. 492, AN ACT EXEMPTING POLITICAL SUBDIVISIONS OF THE STATE FROM THE LAWS REGULATING PUBLIC CONTRACTS WHEN PURCHASING FROM CONTRACTS ESTABLISHED BY THE UNITED STATES OF AMERICA OR ANY FEDERAL AGENCY. (Became law upon approval of the Governor, June 20, 2007 - S.L. 2007-94.)

S.B. 611, AN ACT TO RECODIFY THE LAWS COVERING SERVICE AGREEMENTS. (Became law upon approval of the Governor, June 20, 2007 - S.L. 2007-95.)

S.B. 1246, AN ACT TO PROHIBIT PLACEMENT OF PROCESSED FOODS IN AREAS WHERE THE WILDLIFE RESOURCES COMMISSION HAS SET AN OPEN SEASON FOR TAKING BLACK BEARS. (Became law upon approval of the Governor, June 20, 2007 - S.L. 2007-96.)

S.B. 836, AN ACT TO RENAME THE FOOD STAMP PROGRAM TO REFLECT THE USE OF ELECTRONIC BENEFIT TRANSFER CARDS. (Became law upon approval of the Governor, June 20, 2007 - S.L. 2007-97.)

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S.B. 1178, AN ACT AUTHORIZING THE USE OF MASTER METERS FOR ELECTRIC AND NATURAL GAS SERVICE IN HOTELS OR MOTELS THAT HAVE BEEN CONVERTED INTO CONDOMINIUMS. (Became law upon approval of the Governor, June 20, 2007 - S.L. 2007-98.)

S.B. 982, AN ACT PERTAINING TO THE REQUIREMENT FOR AN IMMUNIZATION CERTIFICATE FROM CERTAIN COLLEGE STUDENTS. (Became law upon approval of the Governor, June 20, 2007 - S.L. 2007-99.)

H.B. 1243, AN ACT TO CREATE A PROCEDURE BY WHICH DETERMINATION IS MADE TO RESTRAIN JUVENILES IN THE COURTROOM. (Became law upon approval of the Governor, June 20, 2007 - S.L. 2007-100.)

H.B. 382, AN ACT TO PROVIDE THAT ELECTIONS IN THE TOWN OF HEMBY BRIDGE SHALL BE DETERMINED BY PLURALITY. (Became law upon ratification, June 21, 2007 - S.L. 2007-101.)

H.B. 1202, AN ACT AUTHORIZING THE CITY OF SALISBURY TO REGULATE THE DEMOLITION OF STRUCTURES WITHIN THE CITY'S HISTORIC DISTRICTS. (Became law upon ratification, June 21, 2007 - S.L. 2007-102.)

S.B. 940, AN ACT TO REQUIRE THE RETIREMENT SYSTEM DIVISION OF THE DEPARTMENT OF STATE TREASURER TO PROVIDE DIRECT ACCESS TO INFORMATION REQUESTED BY THE FISCAL RESEARCH DIVISION. (Became law upon approval of the Governor, June 21, 2007 - S.L. 2007-103.)

S.B. 118, AN ACT TO ALLOW THE GOVERNOR TO DECLARE A VACANCY IN THE OFFICE OF DISTRICT COURT JUDGE, SUPERIOR COURT JUDGE, JUDGE OF THE COURT OF APPEALS, JUSTICE OF THE SUPREME COURT, OR DISTRICT ATTORNEY WHEN THE INCUMBENT DOES NOT HAVE THE LEGAL RIGHT TO EXERCISE ITS FUNCTIONS. (Became law upon approval of the Governor, June 21, 2007 - S.L. 2007-104.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 854, A BILL TO BE ENTITLED AN ACT AMENDING THE PRIVATE PROTECTIVE SERVICES ACT, 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 65262, which changes the title to read **S.B. 854** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE PRIVATE PROTECTIVE SERVICES ACT AND AMENDING THE FIREARMS LAWS EFFECTING ARMED SECURITY GUARDS, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 1202, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CITATION MAY BE ISSUED FOR A LITTERING OFFENSE THAT INVOLVES THE OPERATION OF A MOTOR VEHICLE BASED ON THE AFFIDAVIT OF A WITNESS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85342, which changes the title to read **S.B. 1202** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMISSION TO REDUCE LITTERING TO STUDY AND DEVELOP ALTERNATIVE MECHANISMS TO ENFORCE LITTERING STATUTES FOR VIOLATIONS THAT INVOLVE THE OPERATION OF A MOTOR VEHICLE OR A VESSEL, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 550 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW PERTAINING TO THE CONFIDENTIALITY OF SCHOOL PERSONNEL FILES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30502, is adopted and engrossed.

H.B. 1487 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW INACTIVE LAWYERS TO PROVIDE PRO BONO LEGAL SERVICES AND TO CLARIFY ACTIVE MEMBERSHIP, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70567, which changes the title to read **H.B. 1487** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY ACTIVE MEMBERSHIP IN THE STATE BAR AND ALLOW INACTIVE LAWYERS TO PROVIDE PRO BONO LEGAL SERVICES, TO MODIFY THE NUMBER OF MEMBERS ON THE STATE BAR COUNCIL TO EQUAL THE NUMBER OF JUDICIAL DISTRICTS PLUS SIXTEEN, TO ALLOW LAW STUDENTS TO ACT AS LEGAL INTERNS FOR GOVERNMENT AGENCIES AND OUT-OF-STATE LAWYERS TO PROVIDE PRO BONO LEGAL SERVICES, AND TO REQUIRE THAT AN OUT-OF-STATE LAWYER FILE A REGISTRATION STATEMENT WITH THE STATE BAR, is adopted and engrossed.

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By Senator Nesbitt for the **Judiciary I Committee**:

H.B. 29 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR SATELLITE-BASED MONITORING OF SEX OFFENDERS AND TO MAKE OTHER CHANGES TO THE SEX OFFENDER LAWS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50715, is adopted and engrossed.

H.B. 47 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FELONY OFFENSE FOR PERSONS WHO KNOWINGLY VIOLATE A DOMESTIC VIOLENCE PROTECTIVE ORDER WHILE ARMED WITH A DEADLY WEAPON AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30503, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 384 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO EXTEND THE SUNSET ON THE CURRENT DISTRIBUTION FORMULA, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---44.

Voting in the negative: Senators Brock, East, Forrester, Hunt, Pittenger and Tillman---6.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 885, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF APEX AND MORRISVILLE TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWN, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 38, noes 12, as follows:

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Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Bingham, Boseman, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---38.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brown, East, Forrester, Jacumin, Pittenger, Preston and Tillman---12.

The bill is ordered enrolled.

H.B. 1089 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF FRANKLINTON TO PROVIDE FOR A COUNCIL-MANAGER FORM OF GOVERNMENT AND TO ALLOW THE LAKE ROYALE COMPANY POLICE TO ENTER INTO MUTUAL AID AGREEMENTS WITH FRANKLIN COUNTY FOR THE PURPOSE OF PARTICIPATING IN A MULTI-JURISDICTIONAL DRUG TASK FORCE AT THE REQUEST OF THE FRANKLIN COUNTY SHERIFF, upon third reading.

The Senate 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---50.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MATTHEWS TO USE PROCEEDS FROM THE MOTOR VEHICLE TAX, ASSESSED PURSUANT TO G.S. 20-97, FOR ROAD CONSTRUCTION, MAINTENANCE, AND REPAIR, INCLUDING SIDEWALKS, OR FOR PUBLIC MASS TRANSIT SYSTEMS AND MASS TRANSIT-RELATED ACTIVITIES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 40, noes 10, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Boseman, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---40.

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Voting in the negative: Senators Apodaca, Berger of Rockingham, Blake, Brock, Brown, Forrester, Jacumin, Pittenger, Preston and Tillman---10.

The Committee Substitute bill is ordered enrolled.

H.B. 1193, A BILL TO BE ENTITLED AN ACT ADDING NONCONTIGUOUS MUNICIPAL OWNED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF RAMSEUR, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---50.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1153, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---50.

Voting in the negative: None.

The bill remains on the Calendar for Tuesday, June 26, upon third reading.

H.B. 1163 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN DESCRIBED PROPERTY TO BE ADDED TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS AND AUTHORIZING THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone,

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McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---50.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Tuesday, June 26, upon third reading.

S.B. 465 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REWRITE THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, for adoption, upon second reading.

Upon motion of Senator Preston, the Senate adopts the Conference Report on 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: Senators Forrester and Pittenger---2.

The Conference Report remains on the Calendar for Tuesday, June 26, for adoption, upon third reading.

H.B. 590 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF ANIMAL EXHIBITIONS AT AGRICULTURAL FAIRS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.J.R. 1976, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ROBERT P. GRUBER AS EXECUTIVE DIRECTOR OF THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION.

The joint resolution passes its second (50-0) and third readings and is ordered enrolled.

H.B. 584 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES, AND TO CHANGE THE MEMBERSHIP OF THE INFORMATION TECHNOLOGY ADVISORY BOARD.

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Senator Cowell offers Amendment No. 1 which is adopted (50-0).

The Senate Committee Substitute bill, as amended, passes its third reading (50-0) and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

S.B. 17 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRETRIAL RELEASE REQUIREMENTS FOR SEX OFFENDERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Boseman, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1055 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REBATES TO BE MAILED TO CONSUMERS WITHIN A CERTAIN TIME FRAME AND TO REQUIRE THE DISCLOSURE OF THE TERMS OF THE REBATE OFFERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stevens, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled and sent to the Governor by special message.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Blake Anderson, Canton; Fritz Barnewolt, Raleigh; Samantha Beavers, Holly Springs; Charlie Bergman, Gastonia; Brad Booker, Kernersville; Heather Cavanaugh, Bessemer City; Betsy Scott Clifton, Nashville; Lindsey Cloninger, Belmont; David Cummings, Pinehurst; Hayden Davis, Spindale; Madison Dennis, Elizabethtown; Hannah Diggs, Burlington; Baxter Draughn, Gastonia; Abbey Gensch, Belmont; Caitlin Gillis, Greensboro; Holly Green, Bladenboro; William Heathcote, Raleigh; Katelyn Hennis, Holly Springs; Nika Hurst, Raleigh; David King, Rutherfordton; Hannah Larson, Murphy; Megan Luke, Kill Devil Hills; Matthew O'Neill, Clemmons; Elizabeth Priest, Elizabethtown; Larry Sampson II, Goldsboro; Katy Sorrells, Canton; Zach Turner, Raleigh; and Li Zheng, Raleigh.

Upon motion of Senator Dannelly, seconded by Senator Swindell, the Senate adjourns subject to introduction of bills and reading of messages from the House of Representatives, to meet Tuesday, June 26, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

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By Senator Goss:

S.J.R. 1567, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GROVER ROBBINS, JR., FOUNDER OF TWEETSIE RAILROAD ON THE THEME PARK'S FIFTIETH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 21 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATUTE PROHIBITING DOG FIGHTING AND BAITING DOES NOT APPLY TO THE USE OF HERDING DOGS WORKING WITH DOMESTICATED LIVESTOCK, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 26, for concurrence.

S.B. 447 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROVISIONS ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WHITEVILLE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 26, for concurrence.

S.B. 487 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE REPORTING DEADLINE FOR THE STATE AND LOCAL FISCAL MODERNIZATION STUDY COMMISSION, AND TO TEMPORARILY PROVIDE FOR THE MEMBERSHIP OF THE BOARD OF AWARDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 26, for concurrence.

S.B. 659 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ELECTED OFFICIALS WHO ARE MEMBERS OF THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, OR THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM SHALL FORFEIT THEIR PENSIONS UPON CONVICTION OF A STATE OR FEDERAL OFFENSE INVOLVING PUBLIC CORRUPTION OR A FELONY VIOLATION OF ELECTION LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 26, for concurrence.

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S.B. 1424 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW EARTHDOG TRIALS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 26, for concurrence.

H.B. 1659 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL HISTORY RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF PUBLIC INSTRUCTION.

Referred to the **Education/Public Instruction Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 7:51 P.M.

EIGHTY-SEVENTH DAY

Senate Chamber
Tuesday, June 26, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"God of wisdom and grace, the Book of Proverbs teaches us that 'A harsh word stirs up anger, but a soft answer turns away wrath.' Each of us has learned by personal experience the wisdom of this teaching. We cannot learn from one another while shouting at the top of our voices. We shall fare much better when we speak quietly enough so that our words can be heard as well as our voices. We pray this prayer on behalf of our conferees who shoulder the difficult task of negotiating the State's budget. In your holy name we pray. Amen."

The Chair grants leaves of absence for today to Senator Malone and Senator Shaw.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, June 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The Chair extends privileges of the floor to Dr. Walter J. Pories from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Judy Schneider from Garner, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 17, AN ACT TO AMEND THE PRETRIAL RELEASE REQUIREMENTS FOR SEX OFFENDERS.

S.B. 1055, AN ACT TO REQUIRE REBATES TO BE MAILED TO CONSUMERS WITHIN A CERTAIN TIME FRAME AND TO REQUIRE THE DISCLOSURE OF THE TERMS OF THE REBATE OFFERS.

H.B. 590, AN ACT TO LIMIT THE LIABILITY OF ANIMAL EXHIBITIONS AT AGRICULTURAL FAIRS.

H.B. 817, AN ACT TO ENACT THE NORTH CAROLINA RESIDENTIAL MORTGAGE FRAUD ACT.

H.B. 1340, AN ACT TO RECOGNIZE THE VALUE OF AMATEUR RADIO COMMUNICATIONS BY REQUIRING CITY AND COUNTY ORDINANCES REGULATING ANTENNAS TO REASONABLY ACCOMMODATE AMATEUR RADIO COMMUNICATIONS.

The Enrolling Clerk reports the following bills and a joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 885, AN ACT TO PERMIT THE TOWNS OF APEX AND MORRISVILLE TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWN.

H.B. 1112, AN ACT TO AUTHORIZE THE TOWN OF MATTHEWS TO USE PROCEEDS FROM THE MOTOR VEHICLE TAX, ASSESSED PURSUANT TO G.S. 20-97, FOR ROAD CONSTRUCTION, MAINTENANCE, AND REPAIR, INCLUDING SIDEWALKS, OR FOR PUBLIC MASS TRANSIT SYSTEMS AND MASS TRANSIT-RELATED ACTIVITIES.

H.B. 1193, AN ACT ADDING NONCONTIGUOUS MUNICIPAL OWNED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF RAMSEUR.

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H.J.R. 1976, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ROBERT P. GRUBER AS EXECUTIVE DIRECTOR OF THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION. (Res. 48)

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. 880, AN ACT TO PROVIDE THAT A BOND FORFEITURE SHALL BE SET ASIDE IF THE DEFENDANT FAILED TO APPEAR BECAUSE THE DEFENDANT WAS INCARCERATED ANYWHERE IN THE UNITED STATES. (Became law upon approval of the Governor, June 25, 2007 - S.L. 2007-105.)

S.B. 947, AN ACT TO MAKE TECHNICAL, CONFORMING, AND OTHER CHANGES TO THE UNIFORM TRUST CODE AND OTHER RELATED STATUTES. (Became law upon approval of the Governor, June 25, 2007 - S.L. 2007-106.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 1527, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS RELATING TO LICENSING OF INSURANCE PRODUCERS AND BAIL BONDSMEN; TO MAKE CHANGES IN THE FEE STRUCTURES FOR AGENTS AND ADJUSTERS; TO AUTHORIZE THE OUTSOURCING OF CERTAIN FUNCTIONS RELATING TO THE ADMINISTRATION OF CONTINUING EDUCATION AND ADMINISTRATIVE PROGRAMS; TO AMEND THE LAW OF RETURN PREMIUMS UNDER PREMIUM FINANCE ARRANGEMENTS; AND TO MAKE OTHER SUBSTANTIVE CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15108, which changes the title to read **S.B. 1527** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS RELATING TO LICENSING OF INSURANCE PRODUCERS AND BAIL BONDSMEN; TO MAKE CHANGES IN THE FEE STRUCTURES FOR AGENTS AND ADJUSTERS; TO AUTHORIZE THE OUTSOURCING OF CERTAIN FUNCTIONS RELATING TO THE ADMINISTRATION OF

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CONTINUING EDUCATION AND ADMINISTRATIVE PROGRAMS; AND TO MAKE OTHER SUBSTANTIVE CHANGES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

CONFERENCE REPORT

Senator Soles, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 564** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BRUNSWICK COUNTY ALCOHOLIC BEVERAGE CONTROL SYSTEM TO RELOCATE A STORE IN SUPPLY AND A STORE IN SUNSET BEACH TO A NEW LOCATION WITHIN SEVEN MILES OF ANOTHER ALCOHOLIC BEVERAGE CONTROL STORE IN BRUNSWICK 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 House Bill 564, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BRUNSWICK COUNTY ALCOHOLIC BEVERAGE CONTROL SYSTEM TO RELOCATE A STORE IN SUPPLY AND A STORE IN SUNSET BEACH TO A NEW LOCATION WITHIN SEVEN MILES OF ANOTHER ALCOHOLIC BEVERAGE CONTROL STORE IN BRUNSWICK COUNTY, Senate State & Local Government Committee Substitute Adopted 5/2/07, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate State & Local Government Committee Substitute Adopted 5/2/07, 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 H564-PCCS30497-RV-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 25, 2007.

Conferees for the Senate

S/R. C. Soles, Jr., Chair
S/Charles W. Albertson
S/Clark Jenkins
S/David F. Weinstein

Conferees for the House of Representatives

S/Dewey L. Hill, Chair
S/Nelson Cole
S/Ronnie Sutton
S/Pryor Gibson
S/Bonner L. Stiller

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The text of the attached Proposed Conference Committee Substitute, H564-PCCS30497-RV-1 is as follows:

A BILL TO BE ENTITLED
AN ACT TO ALLOW THE BRUNSWICK COUNTY AND SUNSET BEACH
ALCOHOLIC BEVERAGE CONTROL SYSTEMS TO RELOCATE
CERTAIN STORES IN SUPPLY AND SUNSET BEACH WITHIN
SEVEN MILES OF A MUNICIPALITY WITH EXISTING ABC
STORES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of S.L. 1991-372, as amended by S.L. 1991-776, as amended by Section 3 of S.L. 2005-305, the Brunswick County Alcoholic Beverage Control Board may close and relocate its current Alcoholic Beverage Control store located at 2567 Holden Beach Road SW in Supply to a new location within one mile of the current location. The Sunset Beach Alcoholic Beverage Control Board may close and relocate its current Alcoholic Beverage Control store located at 303 Sunset Drive in Sunset Beach to a new location no more than two miles from its present location. The Brunswick County Alcoholic Beverage Control Board and the Sunset Beach Alcoholic Beverage Control Board shall comply with the requirements of Chapter 18B of the General Statutes and shall receive approval from the North Carolina Alcoholic Beverage Control Commission.

SECTION 2. This act is effective when it becomes law.

Upon motion of Senator Soles, the Conference Report, which changes the title, is placed on the Calendar for Wednesday, June 27, for adoption.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 554 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR ASSAULT ON A PATIENT IN A HEALTH CARE FACILITY OR RESIDENT OF A RESIDENTIAL CARE FACILITY WHEN THE CONDUCT EVINCES A PATTERN OF BEHAVIOR, IS WILLFUL OR CULPABLY NEGLIGENT, AND CAUSES BODILY INJURY TO THE PATIENT OR RESIDENT, with a favorable report.

H.B. 1347 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO MAKE A FALSE REPORT CONCERNING A THREAT OF MASS VIOLENCE ON EDUCATIONAL PROPERTY, with a favorable report.

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H.B. 1482, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN DEFINITIONS UNDER THE LAWS PERTAINING TO CIVIL NO-CONTACT ORDERS, with a favorable report.

H.B. 995, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR THE INTENTIONAL STARVATION OF AN ANIMAL, 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 50718, which changes the title upon concurrence to read **H.B. 995** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR THE MALICIOUS, INTENTIONAL STARVATION OF AN ANIMAL AND MAKE OTHER CHANGES TO THE ANIMAL CRUELTY STATUTE, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 282, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

S.B. 181, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 15.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State & Local Government Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1549, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ENCUMBERED PROPERTY IS SUBJECT TO EXECUTION UNDER ARTICLE 28 OF CHAPTER 1 OF THE GENERAL STATUTES.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 3.

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H.B. 1153, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH.

Upon motion of Senator Soles, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 27.

H.B. 1163 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN DESCRIBED PROPERTY TO BE ADDED TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS AND AUTHORIZING THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA, upon third reading.

The Senate 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 Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence.

S.B. 447 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROVISIONS ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WHITEVILLE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled.

S.B. 465 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REWRITE THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY, for adoption upon third reading.

Upon motion of Senator Preston the Senate adopts the Conference Report on its third reading, by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

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Voting in the negative: Senators Forrester and Pittenger---2.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 242 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE PROCESS FOR ADMINISTRATIVE AND JUDICIAL REVIEW OF DISPUTED TAX MATTERS AND TO LIMIT A CORPORATION'S ABILITY TO USE REAL ESTATE INVESTMENT TRUSTS TO AVOID STATE TAXES, upon second reading.

Upon the appearance of Senator Malone in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Senator Clodfelter offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Wednesday, June 27, upon third reading.

WITHDRAWAL FROM CALENDAR

S.B. 242 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE PROCESS FOR ADMINISTRATIVE AND JUDICIAL REVIEW OF DISPUTED TAX MATTERS AND TO LIMIT A CORPORATION'S ABILITY TO USE REAL ESTATE INVESTMENT TRUSTS TO AVOID STATE TAXES, placed earlier on the Calendar for tomorrow, Wednesday, June 27.

Senator Rand offers a motion that the bill be withdrawn from the Calendar for Wednesday, June 27, and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for Wednesday, June 27, and re-refers the measure to the **Appropriations/Base Budget Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 956 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS, referred to the **Education/Public Instruction Committee** on May 23.

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Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Education/Public Instruction Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Education/Public Instruction Committee** and re-refers the measure to the **Education/Higher Education Committee**.

CALENDAR *(continued)*

H.B. 24 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC FROM THE HEALTH RISKS OF SECONDHAND SMOKE BY PROHIBITING SMOKING IN BUILDINGS OWNED, LEASED, OR OCCUPIED BY STATE GOVERNMENT; AND TO AUTHORIZE LOCAL GOVERNMENTS TO REGULATE SMOKING IN BUILDINGS AND TRANSPORTATION VEHICLES OWNED, LEASED, OR OCCUPIED BY LOCAL GOVERNMENT AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

Senator Purcell offers Amendment No. 1 which is adopted (49-0).

Senator Goodall offers Amendment No. 2 which fails of adoption (20-29).

The Senate Committee Substitute bill, as amended, passes its second (48-1) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1720 (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND THEIR FAMILIES FOR THEIR SERVICE TO THE STATE OF NORTH CAROLINA AND TO THE NATION SINCE SEPTEMBER 11, 2001.

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 Stevens, the remarks of the Members are spread upon the Journal, as follows:

Senator Rand:

“Ladies and gentlemen of the Senate, we are honored today to be able to consider this resolution honoring the members of our guard and their families for what they have done not only for North Carolina but the Nation and, really, the world. It is a phenomenal thing when you think about our National Guard and the men and women that do so much for all of us. I hope that many of you have had the opportunity in the last little bit to see the display of National Guard

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Unit guideons that are out here in the rotunda that have been deployed since September 11. This really gives us a graphic illustration of the kind of service that has been rendered and the sacrifices that have been made for all of us. When you consider the fact that in our National Guard we have about 11,500 soldiers and airmen, 10,000 soldiers and 1500 airmen, in our National Guard units and of these 10,982 have been deployed since September 11, so you can readily see from that the type of sacrifice, the type of services that have been rendered. Our Guard operates with the joint forces headquarters here in Raleigh and six subordinate military commands across North Carolina and ninety-five armored facilities in seventy-five counties and three guard facilities in three Air Force Guard facilities in three different locations. There are six units, the 30th Brigade Combat Team Heavy which is in Clinton, 145th Airlift Wing in Charlotte, the 449th Theatre Aviation Brigade headquarters in Morrisville, the 113th Field Artillery Brigade in Greensboro, and the 130th Combat Support Brigade Maneuver Enhanced headquartered in Charlotte. During the time since September 11, the men and women of our guard have literally been serving around the world in defense of freedom and when you think about it, most of these ladies and gentlemen have civilian jobs and so they are away from their families, away from their every-day careers doing so much for so many of us to really keep our Country free. This has been something, in addition to the kind of things that we think of them doing and expect them to do on our behalf in the kind of emergencies we have here at home. We all know that when hurricanes strike North Carolina, when emergencies arise, when disasters hit, the first group on the scene is the guard making sure that we are safe, making sure that our State is protected, and making sure that the people and the property of North Carolina are secure and protected. We owe these men and women so much for what they do for us really as a part of just their everyday life. They mean so much to what we do. They mean so much to what our State is about and they represent us so well around the world and across this Country that we cannot really ever fully repay them for what they do for us. So I hope as you go about your duties today you'll take a little time and look at this display out here, you'll thank these men and women seated up in the gallery for what they have done for our State and our Nation, and just take a little time to thank them for their contributions for what this Country is all about. Thank you, Madame President."

Senator Swindell:

"Ladies and gentlemen of the Senate, I don't know how many of you have had the opportunity to say goodbye and good luck to our guard folks as they have deployed to go overseas. Saturday before last, I joined the General down in Rocky Mount where we had one hundred and sixteen of our fine men and women in the 1132nd which are the Military Police who are leaving for Iraq. I have hardly ever seen such expression amongst these folks and the families and the pride that they showed that day knowing that they were going on a very difficult mission to a very difficult place in the world. And the interesting thing about all of our troops, I believe we have about eight hundred deployed at this

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time and they are all over that part of the world especially and the job for this particular group of men and women will be to train the police officers in Iraq. They left immediately after the ceremony for Mississippi where they will train and then September 1 they will go to Iraq. So I want to say to you, the National Guard, and I had a personal experience after our last series of hurricanes where I turned my house in Hyde County over to the National Guard and we had fifty guardsmen and women stay in my house for about seventeen days. Not only did they leave things better than they found them, they painted my kitchen for me because it needed a serious coat of paint! But you were great to the folks of Hyde County, taking care of the people as you know how to do and know how to do right. So I say to you that have been to Iraq and those of you who are here within the State, I know I join my colleagues in saying thank you for what you do for our Country, and the pride you give us as members of the North Carolina Senate. Thank you.”

Senator Brown

“I just want to briefly echo what Senator Rand and Senator Swindell have said. We have a unit in Jacksonville and several of the members of that unit have worked for me, some are good friends of mine, but one in particular, his name is on the resolution today and that is Specialist Daniel Desens. He was a real good friend of my son, went to school with my son, and he was one of the young men that was killed over in Iraq several years ago. We had a ceremony in Jacksonville honoring him and Captain Cash in Jacksonville and I went to that ceremony. It was well attended, it was a great ceremony, and I think that is echoed in what these guys and ladies give to us by serving the way they do and leaving their families, leaving their jobs to go and serve for us to be able to do what we do. So I just wanted to mention that. I know it really touched home with me because my son was pretty upset about it because he was one of his best friends so I just wanted to bring this up. Thanks so much.”

Senator Forrester:

“All of us have Guard Armories in our districts and most of us have participated in ceremonies where we’ve seen these guardsmen leave, being deployed and also when they return. As a retired Air National Guardsman of thirty-five years, I have worked with these men and women in both the Army Guard and Air Guard and I appreciate our citizen soldiers and what they do for our Country. Also, as mentioned by Senator Rand and Senator Swindell, during the times of hurricanes and disasters, they come when they are called and we appreciate it. If you notice on the resolution the ones that have been killed in action, wounded and died in the line of duty, we honor their families in this resolution which is important, too, because their families at home support them and I think it is appropriate we do that. We do honor the memory of the North Carolina National Guardsmen, those who serve with them, those who have given their lives in defense of safety and liberty of the people of North Carolina and of our Nation. I, too, encourage you to support this resolution and I wish to thank our guardsmen that are in our audience today. Thank you.”

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Senator Atwater:

“Members of the Senate, you know it is altogether good and proper to have a break from our activities, our very important activities, and have this opportunity to enter into a solemn moment, a high moment, to honor our National Guard and their families. We are living in difficult and perilous times, not well defined and our guardspeople move when they are called to duty. They expect of us leadership at all levels that we will endeavor to make the best decisions that we can make regarding their operations and that we will stand with and by their families while they are gone. I am proud of the North Carolina Senate and the House, as well, that we have enacted legislation to more nearly stand with those families during crises. I am very proud of that but I am mostly proud of our guardsmen and their supportive families. I think that I would like to close my comments in a very special way and it is an opportunity for all of us to give memory to the names of those that have fallen, who have given their last full measure of devotion to this Nation and to this State and it is my hope that it will register in our hearts the profound gift that they have given on our behalf that we cannot quite get our minds around at any time. But we must always stop and try to appreciate what they have done for our society, for other families around the world and certainly for those in the United States to contain the threat of terror. From the North Carolina Army National Guard all of these individuals have been lost since September 11, 2001: Specialist Jocelyn L. Carrasquillo, Captain Christopher S. Cash, Specialist Daniel A. Desens, Staff Sergeant Bobby C. Franklin, Staff Sergeant Michael S. Voss. Additionally, Sergeant DeForest L. Talbert, a member of the West Virginia National Guard who was serving with the 30th Brigade Combat Team headquartered in North Carolina. From the North Carolina National Guard while mobilized, these died in the line of duty: Sergeant Leonard W. Adams, Staff Sergeant Michael McDonald, Specialist James Masters, Staff Sergeant Harold Best, Sergeant Kord Carreia, Specialist McKenzie Callahan, Sergeant First Class Earl Falcon, Specialist Terry Stafford, Sergeant Darry Benson, Sergeant Matthew Burton, and Master Sergeant Thomas Palmer. I think it is our hope and our prayer that God will bless the memory of each veteran that was a member of our North Carolina National Guard and that He might be very close to the families who surely continue to hurt and that we will remain close to them. I recommend the resolution to you.”

Senator Goss:

“Ladies and gentlemen of the Senate, I don’t know how I can add to what Senator Atwater has just said but recently I was so privileged and honored to be a part of a ceremony in Boone, North Carolina, where the 1451st Transportation Company returned from Iraq. Many of these beautiful people, men and women, as others have already said, left their homes, their families, their jobs, and careers, some for a second time on deployment overseas. As we move toward this July 4, a special day in America, what better time than now not only to remember those who have given the ultimate sacrifice, but those that continue to sacrifice every day of their lives in ways that we can only imagine from afar. My son, Andrew, is a member of the United States Air Force and it was such a

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great moment for me to pick up the phone after I had been with this group in Boone on that Sunday afternoon a few weeks ago and call him and tell him the touching moments that we had sharing with these people that were basically in a world now without borders. We love you and appreciate you and may God Bless you is my prayer.”

Senator Basnight:

“To the members of the guard that are with us today and representing the fine soldiers of this State and also this Country, we thank you. It was after Isabel, which was a hurricane to come to ashore on Hatteras Island, that I met a young man from Mocksville, North Carolina. He was flying one of the Black Hawks and he took me from the Manteo Airport to Hatteras for my first view of what had happened to the people and the residents of the Village of Hatteras which had been severed by the storm. It had created an inlet and you could not get to the Island whatsoever and none of the people there were prepared for what occurred that night. The ocean did come over the full force of the storm, stripped the Island bare, and took out whatever was in its path in the lower elevations. They had no fresh water, they had no ice, they had no electricity, and did not have any of the things that are granted to us that you find in storms of that kind or maybe an ice storm at your home where you lose it for a short period of time. But you normally can get in a car and drive away. Well, in this case you couldn’t go anywhere and it was awfully hot. The young man took me on the Black Hawk and it was pretty interesting when we lifted up and we circled back real quickly and set back down. Well, we didn’t have enough fuel and I said that it was a pretty good idea to get this back down quickly and we filled her up and left again and then we had conversations later about what it was like to leave the family and come quickly to this isolated part of an island and give assistance and he said, ‘It’s my duty; it is my job; I am here to help, I am here to give and my family recognizes that I have to go at the call of whatever it may be, whatever the natural disaster or if there is a conflict, I do go and it’s something that I had to do in my life, so I gave just as you give.’ Now we have Colonel Jim Trogdon. I guess all of you who are in the gallery or certainly some of you may know him. He is in Iraq at this time. He worked for us in the Senate and we send our blessings to him and his company and his group of soldiers and to each and every one of you who are serving in harm’s way, or who are prepared to help us when some natural conflict comes our way and does damage to our community and to our family. You leave your family on behalf of us and you also give us the freedoms. Anyone who puts the uniform on in the morning to start the day has granted to us the right to stand and speak as we please even when strong disagreements occur. We have that right and it is granted because of the uniform of the American soldier so we thank you on this special day and for this resolution. I ask the unanimous support of our Senate.”

The joint resolution passes its second reading (49-0) and third reading with members standing and is ordered enrolled.

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Upon motion of Senator Rand the Chair extends the courtesies of the gallery to Major General William E. Ingram, Jr., Adjutant General of the North Carolina National Guard; Mrs. Lil Ingram, First Lady of the North Carolina National Guard; Brigadier General Iwan Clontz, Assistant Adjutant General for Air; Lieutenant Colonel Steven Martin, Vice Chief of Joint Staff; Chief Warrant Officer 5; Richard Ernest, State Command Chief Warrant Officer; Command Chief Master Sergeant David Earnhardt, State Command Chief Master Sergeant; Ms. Diane Coffill, State Family Program Director; Mr. Tom Bowlin, Military Administrative Officer; Lieutenant Colonel William Ratliff; Lieutenant Colonel Barry Hull; Lieutenant Colonel Mark Christian; Lieutenant Colonel Gary McGinnis; Lieutenant Colonel Craig Robinson; Major William Moore; Major Vernon Simpson, Jr.; Major Matt Handley; Captain Mark Pickett; Captain Karen Tedesco; Captain Benjamin Wynn; First Lieutenant Jacqueline Watson; First Lieutenant James Klinger; Chief Warrant Officer 3 David Tyndall; Command Sergeant Major John Swart; Command Sergeant Major William Booth; Senior Master Sergeant Tommy Boggs; Master Sergeant Jeffrey Ferry; First Sergeant Matt Shorter; Sergeant First Class Terrance Albino and Specialist Stacey Strayhorn.

CALENDAR *(continued)*

H.B. 29 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR SATELLITE-BASED MONITORING OF SEX OFFENDERS AND TO MAKE OTHER CHANGES TO THE SEX OFFENDER LAWS.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

The Chair grants a leave of absence for the remainder of today's session to Senator Berger of Rockingham.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 1860, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVEREND WILLIAM WALLACE "W.W." FINLATOR, SR., DISTINGUISHED SOUTHERN BAPTIST MINISTER AND PASTOR EMERITUS OF PULLEN MEMORIAL BAPTIST CHURCH.

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 Kinnaird, the remarks of the members are spread upon the Journal, as follows:

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Senator Cowell:

“It’s my honor to speak on this resolution. A lot of times the people who are honored in these resolutions, while very inspirational, can sometimes seem almost too perfect, a little bit too cardboard, and Reverend Finlator was anything but that. He was a very human, passionate figure and sometimes we have the football teams and the basketball teams and they’ve always won, which is great. But I think Reverend Finlator had his share of victories but also his share of losses and was gracious in defeat and talked about that there is a witness sometimes in losing and that if you hold the flag as you’re going down, that’s just as valuable sometimes as winning and I think as politicians and Senators we all understand that because, Lord knows, I’ve had my share of going down with the flags flying. Reverend Finlator passed away a year ago next week and actually the service was sort of linked in a way to the Senate session. We were debating the minimum wage bill that day and I left and went to the funeral at Pullen Memorial Baptist and we actually passed the minimum wage during the funeral and they announced that to the great pleasure of many of the people. As you can imagine, the folks who had come to that service were quite happy. Reverend Finlator was, first of all, a Baptist. I know he was a controversial Baptist but I think what he truly believed was actually on the cover of the memorial service about the Protestant Reformation and the freedom that we have as both Americans and the American religious system to find our own salvation, to find our peace with God, to do all of that on our own to the passions that we have and the conscience and that’s very much how he tried to live his life. I think, also, in this memorial resolution we should talk about the congregation at Pullen Memorial because they are really what enabled Reverend Finlator to have the mission that he did fighting for peace, fighting for labor rights, fighting for women’s rights, and racial equality. They really partnered with him and I think critics would say they deserved each other and the fans would say that it was a match made in Heaven that this congregation really supported Reverend Finlator to the extent that they did. Finally, I’ll say that the family who is here today were a tremendous support to him. I think so many folks who fight the hard fight and have their share of losses become bitter and angry. I’ve seen that. He was always eloquent, he always had good humor, and I think a sense of humility and stability at times that his family gave him. I know Mary Lib Finlator who was his wife of sixty-four years is here today, the love of his life, and was just such an incredible sense of stability. Wallace Finlator, his son, is here. Elizabeth Finlator McCutcheon, and The Reverend Joe McCutcheon, her husband, and Josh McCutcheon, his grandson, who also works for our State Treasurer. It’s just an incredible family and they have been like a second family to me so I’m very grateful to have this opportunity and I ask for your support of the resolution.”

Senator McKissick:

“Bill Finlator was one those very passionate, vocal advocates, particularly when it came to issues related to Civil Rights at a point in time in the South in the 60’s when it wasn’t particularly popular to do so for someone of his

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background, his color and his persuasion. He was someone who did not hesitate to stand up firmly, aggressively, to be in the forefront of those issues. He was someone who was not timid at a point in time when he put himself in danger and put his family in danger when there were threats being made not only to him but to those who surrounded him. It is people like that that we should all admire, people that we should look up to, people who are unsung heroes of our Nation and our society but, most importantly, the type of advocates who we can all embrace, someone whom I knew, whom my family knew, and I was a proud person to say that Bill Finlator was one of those people we all could depend upon under all circumstances, even when times were most difficult to be there. For that I say thank you all for sharing Bill with us and we as a State and as a Nation have benefited proudly from his contributions during his lifetime.”

Senator Albertson:

“I never had the opportunity to meet Mr. Finlator but had always wanted to. I always looked forward to reading his column in the *News and Observer*. I would find myself scanning the editorial page and the first thing I would always look for was to see if he had written another article. He didn’t write all that often, but he was someone I just looked forward to reading what he had written and I found him to be a very wonderful person. In fact, I wrote him a letter, it may have been after that last article he wrote, and told him how much I appreciated his article and how much I appreciated him. He answered me back and then we had a telephone conversation and I asked him one day if I could come down one day and take him out to lunch. He said, ‘No, I’ll tell you what I’d like to do. I’d like for you to come to my house and have lunch with us.’ Well, I’m sorry to say I never did take advantage of that. I told him that I would but I never did, but it was obvious to me that here was a person who truly loved people and he must have had a high calling if anyone ever did. It was obvious he cared about those who were disenfranchised, who other people did not think about that much, and he was a great inspiration to me and I will always cherish his articles and I hope someone, Senator Cowell, maybe saved those articles and, if so, I would like to have a copy sometime. He was a great gentleman and I had a great deal of respect and love for him.”

Senator Malone:

“If there were a Nobel Prize for justice and fairness, Bill Finlator would have qualified for that. He was an individual who believed that the Constitution embraced us all and not just a certain class and color. He lived by that, he espoused that in everything that he did. He stood tall. I participated in several activities with him and he always stood very tall when he pledged allegiance to the flag. He was particularly moved by the last phrase that says, ‘justice for all.’ He believed that, Senator Basnight. He believed that with every fiber of his being, and up until he was no longer able to communicate, that continued to be a part of what he was about. He never flinched; he never wavered. When he was called things that some of you know, which I would dare not repeat in this Chamber, when he dared to stand up for folk like me and say that Vernon

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Malone you're o.k. He was called some ugly names for daring to talk about folk like me and say that you're all right. He never wavered. He wasn't afraid to be in the midst of all kinds of people. Bill Finlator made those with whom he came in contact proud to be Americans. We've done a lot of resolutions in this Chamber, but you have not honored a greater American than Bill Finlator."

Senator Rand:

"There is very little I can say that has not been said. If you read the *News and Observer* way back yonder, and when I learned to read, I started doing it, you had to know of Reverend Finlator and he was always involved in things trying to make society better, appealing to our better side and trying to remind us of our obligation to others and what we could do to make our Country better. If you talk about the triumph of the human spirit, if you talk about someone who passionately believed in the guarantees of this Country and in what makes this Country special, you couldn't find a better example than him. He was a wonderful man. I got to meet him later on and I was always impressed at such a kind and gentle man who evoked such strong emotions and it just amazed me. I always just loved to be in his presence and loved to be around him because he brought out the best in everybody he saw and all he wanted was for our society to be like the words say it is. That's an amazing thing but he was truly a good man."

Senator Berger of Franklin:

"I'm forty-seven years old. Twenty-six years ago when I was twenty-one years old at UNC-Chapel Hill, I was a campus organizer and very enthusiastic and interested in public policy questions and was involved in bringing different speakers to Chapel Hill to discuss different policy issues. I had the good fortune to bring Reverend Finlator to Chapel Hill to speak on the topic of the importance of the separation of church and state and it was from Reverend Finlator that I learned that one can be a Christian and a Constitutionalist because he fervently believed in Jesus Christ but he fervently believed in the separation of church and state and that it was through the separation of church and state that we can practice freedom of religion and fully and truly worship and honor our God. We get very few opportunities to meet legendary heroes in our lifetime but he certainly is a person that was a walking hero among us and I'm fully honored to have the opportunity to speak on his behalf and I commend this resolution to you."

The joint resolution passes its second reading (48-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Cowell, the Chair extends the courtesies of the gallery to Mrs. Mary Lib Purvis Finlator, his wife; Wallace Finlator, his son; Elizabeth Finlator McCutchen and The Reverend Joe McCutchen, his daughter and son-in-law; Josh McCutchen, his grandson and Tom Currin, neighbor.

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CALENDAR *(continued)*

H.B. 47 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FELONY OFFENSE FOR PERSONS WHO KNOWINGLY VIOLATE A DOMESTIC VIOLENCE PROTECTIVE ORDER WHILE ARMED WITH A DEADLY WEAPON AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 3, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A TEN PERCENT RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS), with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35400, which changes the title to read **S.B. 3** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS), (2) ALLOW RECOVERY OF CERTAIN NONFUEL UTILITY COSTS THROUGH THE FUEL CHARGE ADJUSTMENT PROCEDURE, (3) PROVIDE FOR ONGOING REVIEW OF CONSTRUCTION COSTS AND FOR RECOVERY OF COSTS IN RATES IN A GENERAL RATE CASE, (4) ADJUST THE PUBLIC UTILITY AND ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEES, (5) PROVIDE FOR THE PHASEOUT OF THE TAX ON THE SALE OF ENERGY TO NORTH CAROLINA FARMERS AND MANUFACTURERS, (6) PROVIDE AN INCOME TAX CREDIT FOR BUILDERS OF ENERGY-EFFICIENT HOMES, AND (7) ALLOW A TAX CREDIT TO CONTRIBUTORS TO 501(C)(3) ORGANIZATIONS FOR RENEWABLE ENERGY PROPERTY, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

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CALENDAR (*continued*)

H.B. 550 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW PERTAINING TO THE CONFIDENTIALITY OF SCHOOL PERSONNEL FILES.

Senator Snow offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LAW REGARDING TESTAMENTARY ADDITIONS TO TRUSTS, AND TO CODIFY THE DOCTRINES OF INCORPORATION BY REFERENCE AND ACTS OF INDEPENDENT SIGNIFICANCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 1487 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY ACTIVE MEMBERSHIP IN THE STATE BAR AND ALLOW INACTIVE LAWYERS TO PROVIDE PRO BONO LEGAL SERVICES, TO MODIFY THE NUMBER OF MEMBERS ON THE STATE BAR COUNCIL TO EQUAL THE NUMBER OF JUDICIAL DISTRICTS PLUS SIXTEEN, TO ALLOW LAW STUDENTS TO ACT AS LEGAL INTERNS FOR GOVERNMENT AGENCIES AND OUT-OF-STATE LAWYERS TO PROVIDE PRO BONO LEGAL SERVICES, AND TO REQUIRE THAT AN OUT-OF-STATE LAWYER FILE A REGISTRATION STATEMENT WITH THE STATE BAR.

Senator Allran offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

S.B. 21 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATUTE PROHIBITING DOG FIGHTING AND BAITING DOES NOT APPLY TO THE USE OF HERDING DOGS WORKING WITH DOMESTICATED LIVESTOCK, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Snow, 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. 487 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE REPORTING DEADLINE FOR THE STATE AND LOCAL FISCAL MODERNIZATION STUDY COMMISSION, AND TO TEMPORARILY PROVIDE FOR THE MEMBERSHIP OF THE BOARD OF AWARDS, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Hoyle, 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. 659 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ELECTED OFFICIALS WHO ARE MEMBERS OF THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, OR THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM SHALL FORFEIT THEIR PENSIONS UPON CONVICTION OF A STATE OR FEDERAL OFFENSE INVOLVING PUBLIC CORRUPTION OR A FELONY VIOLATION OF ELECTION LAWS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, 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. 1424 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW EARTHDOG TRIALS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Queen, 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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 701, A BILL TO BE ENTITLED AN ACT TO EXEMPT LICENSEES WHO ARE IN ACTIVE PRACTICE AS COSMETOLOGISTS AND HAVE TWENTY CONSECUTIVE YEARS OF EXPERIENCE FROM CONTINUING EDUCATION REQUIREMENTS, with a favorable report.

H.B. 1758 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING THE REMOVAL OF MERCURY SWITCHES FROM VEHICLES, with a favorable report.

By Senator Nesbitt for the **Judiciary I Committee**:

H.B. 21, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70571, is adopted and engrossed.

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H.B. 27 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A FILM AND PHOTOGRAPHIC PRINT PROCESSOR OR A COMPUTER TECHNICIAN WHO, IN THE PERSON'S SCOPE OF EMPLOYMENT, OBSERVES AN IMAGE OF A MINOR OR A PERSON WHO REASONABLY APPEARS TO BE A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE PERSON REQUESTING THE PROCESSING OF THE FILM OR PHOTOGRAPHS OR IN POSSESSION OF THE COMPUTER TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN OR TO THE APPROPRIATE LOCAL LAW ENFORCEMENT OFFICER, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70570, is adopted and engrossed.

H.B. 244 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE EQUITY BETWEEN THE PARTIES WITH RESPECT TO JUROR CHALLENGES IN CIVIL CASES, 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 50717, which changes the title upon concurrence to read **H.B. 244** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EQUITY BETWEEN THE PARTIES WITH RESPECT TO JUROR CHALLENGES IN CIVIL CASES, is adopted and engrossed.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

House of Representatives
June 26, 2007

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. 465** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE AND REWRITE THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY.

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

June 26, 2007

Pursuant to the Senate having adopted the Conference Report for S.B. 465 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
June 26, 2007

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. 464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW JONES COUNTY AND CASWELL COUNTY TO REQUIRE THE REGISTER OF DEEDS NOT TO ACCEPT ANY DEED TRANSFERRING REAL PROPERTY FOR REGISTRATION UNLESS THE COUNTY TAX COLLECTOR HAS CERTIFIED THAT NO TAXES WITH WHICH THE COLLECTOR IS CHARGED ARE A LIEN ON THE PROPERTY, and requests conferees.

Speaker Hackney has appointed:

Representative McElraft, Chair
Representative Starnes, 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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 544 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTATE THE CHARTER OF CABARRUS MEMORIAL HOSPITAL, AND TO ESTABLISH AND ASSURE THE CONTINUITY OF

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ELIGIBILITY OF CABARRUS COLLEGE OF HEALTH SCIENCES TO RECEIVE LEGISLATIVE TUITION GRANTS AND TO RECOGNIZE THE CONTINUED AUTHORITY TO AWARD DEGREES SUBJECT TO MERGER, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on the Calendar for immediate consideration.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled.

Upon motion of Senator Dannelly, seconded by Senator Rand, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet Wednesday, June 27, at 3:00 P.M.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

S.J.R. 1561 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM DUDLEY ROBBINS, SR., FORMER LIEUTENANT COLONEL OF THE UNITED STATES ARMY, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 15110, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute joint resolution is placed on the Calendar for Thursday, June 28.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 513 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WILMINGTON, NEW HANOVER COUNTY, AND A WATER AND SEWER AUTHORITY TO CONTRACT FOR SEWER-RELATED CONSTRUCTION, REPAIR, OR REPLACEMENT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, June 27, for concurrence.

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S.B. 654 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING RUTHERFORD COUNTY TO CONDUCT AN ADVISORY REFERENDUM ON A HIGH IMPACT LAND-USE ORDINANCE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, June 27, for concurrence.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:59 P.M.

EIGHTY-EIGHTH DAY

Senate Chamber
Wednesday, June 27, 2007

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, walking back to the church from the Senate yesterday in the ninety-degree heat, I remembered two church members in assisted living facilities who might benefit from a visit. But it's ninety degrees outside, I thought. My car's air-conditioning isn't working well. I could benefit from some meditation and study time in the cool of my office. Those two people will be just as glad to see me another day. Then I was enthusiastically greeted by two young men on Salisbury Street, white shirts, black pants and ties, riding their bicycles to their next appointment in ninety-degree heat. I thought to myself, 'why don't you guys give me a break.' The zeal of those two college-age Mormon missionaries ruined the rest of my afternoon. At this time in the Legislative Session we might all benefit from the same kind of joy that I heard and saw in their greeting. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, 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 privileges of the floor to Dr. Marsha D. Fretwell from Wilmington, North Carolina, who is serving the Senate as Doctor of the Day.

June 27, 2007

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 21, AN ACT TO CLARIFY THAT THE STATUTE PROHIBITING DOG FIGHTING AND BAITING DOES NOT APPLY TO THE USE OF HERDING DOGS WORKING WITH DOMESTICATED LIVESTOCK.

S.B. 487, AN ACT TO EXTEND THE REPORTING DEADLINE FOR THE STATE AND LOCAL FISCAL MODERNIZATION STUDY COMMISSION, AND TO TEMPORARILY PROVIDE FOR THE MEMBERSHIP OF THE BOARD OF AWARDS.

S.B. 659, AN ACT TO PROVIDE THAT ELECTED OFFICIALS WHO ARE MEMBERS OF THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, OR THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM SHALL FORFEIT THEIR PENSIONS UPON CONVICTION OF A STATE OR FEDERAL OFFENSE INVOLVING PUBLIC CORRUPTION OR A FELONY VIOLATION OF ELECTION LAWS.

S.B. 1424, AN ACT TO ALLOW EARTHDOG TRIALS.

H.B. 313, AN ACT TO REQUIRE THAT SETTLEMENT AGENTS INCLUDE THE IDENTITY OF THE LOAN ORIGINATOR ON THE DEED OF TRUST, AND THAT LENDERS INCLUDE INFORMATION REGARDING THE LOAN ORIGATION IN THE LOAN CLOSING INSTRUCTIONS.

H.B. 625, AN ACT TO RENAME MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES AND TO MAKE OTHER CONFORMING AND STATUTORY CHANGES.

H.B. 720, AN ACT TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE COMMISSION FOR HEALTH SERVICES TO BETTER REFLECT THE FUNCTIONS AND DUTIES PERFORMED BY THE DIVISION AND THE COMMISSION.

H.B. 765, AN ACT TO UPDATE THE LAW REGARDING TESTAMENTARY ADDITIONS TO TRUSTS, AND TO CODIFY THE DOCTRINES OF INCORPORATION BY REFERENCE AND ACTS OF INDEPENDENT SIGNIFICANCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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H.B. 786, AN ACT TO ENSURE DISTRICT ATTORNEYS RECEIVE ALL NECESSARY INFORMATION FROM LAW ENFORCEMENT AGENCIES AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT.

H.B. 1354, AN ACT TO CREATE A MOTOR VEHICLE CHOP SHOP LAW REGARDING THE RECEIVING, POSSESSION, AND DISTRIBUTION OF STOLEN OR ALTERED MOTOR VEHICLES AND MOTOR VEHICLE PARTS.

H.B. 1370, AN ACT TO CLARIFY THAT THE HIGH-UNIT-COST THRESHOLD DOES NOT APPLY TO PLANNING GRANTS AND TECHNICAL ASSISTANCE GRANTS MADE BY THE CLEAN WATER MANAGEMENT TRUST FUND FOR WASTEWATER COLLECTION SYSTEMS AND WASTEWATER TREATMENT WORKS.

H.B. 1449, AN ACT TO PROVIDE FOR FOUR-YEAR TERMS FOR THE MEMBERS OF THE NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS COMMISSION.

H.B. 1464, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT RULES PROVIDING FOR EXCUSED ABSENCES FROM SCHOOL FOR LEGISLATIVE AND GOVERNOR'S PAGES.

H.B. 1492, AN ACT AUTHORIZING THE LICENSURE OF ANESTHESIOLOGIST ASSISTANTS.

H.B. 1634, AN ACT TO ESTABLISH CUSTODY, VISITATION, EXPEDITED HEARING, AND ELECTRONIC COMMUNICATIONS PROCEDURES WHEN A PARENT RECEIVES MILITARY TEMPORARY DUTY, DEPLOYMENT, OR MOBILIZATION ORDERS.

The Enrolling Clerk reports the following bills and joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 447, AN ACT TO REPEAL THE PROVISIONS ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WHITEVILLE.

S.B. 465, AN ACT TO CONSOLIDATE AND REWRITE THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY.

S.B. 544, AN ACT TO RESTATE THE CHARTER OF CABARRUS MEMORIAL HOSPITAL, AND TO ESTABLISH AND ASSURE THE

CONTINUITY OF ELIGIBILITY OF CABARRUS COLLEGE OF HEALTH SCIENCES TO RECEIVE LEGISLATIVE TUITION GRANTS AND TO RECOGNIZE THE CONTINUED AUTHORITY TO AWARD DEGREES SUBJECT TO MERGER.

H.J.R. 1860, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF REVEREND WILLIAM WALLACE "W.W." FINLATOR, SR., DISTINGUISHED SOUTHERN BAPTIST MINISTER AND PASTOR EMERITUS OF PULLEN MEMORIAL BAPTIST CHURCH. (Res. 49)

H.J.R. 1720, A JOINT RESOLUTION HONORING THE MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD AND THEIR FAMILIES FOR THEIR SERVICE TO THE STATE OF NORTH CAROLINA AND TO THE NATION SINCE SEPTEMBER 11, 2001. (Res. 50)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 36, AN ACT TO IMPROVE THE OVERSIGHT OF HAZARDOUS WASTE FACILITIES, AS RECOMMENDED BY THE GOVERNOR'S HAZARDOUS MATERIALS TASK FORCE. (Became law upon approval of the Governor, June 26, 2007 - S.L. 2007-107.)

H.B. 885, AN ACT TO PERMIT THE TOWNS OF APEX AND MORRISVILLE TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO FIFTEEN DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE TOWN. (Became law upon ratification, June 26, 2007 - S.L. 2007-108.)

H.B. 1112, AN ACT TO AUTHORIZE THE TOWN OF MATTHEWS TO USE PROCEEDS FROM THE MOTOR VEHICLE TAX, ASSESSED PURSUANT TO G.S. 20-97, FOR ROAD CONSTRUCTION, MAINTENANCE, AND REPAIR, INCLUDING SIDEWALKS, OR FOR PUBLIC MASS TRANSIT SYSTEMS AND MASS TRANSIT-RELATED ACTIVITIES. (Became law upon ratification, June 26, 2007 - S.L. 2007-109.)

H.B. 1193, AN ACT ADDING NONCONTIGUOUS MUNICIPAL OWNED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF RAMSEUR. (Became law upon ratification, June 26, 2007 - S.L. 2007-110.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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By Senator Clodfelter for the **Finance Committee**:

S.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS), (2) ALLOW RECOVERY OF CERTAIN NONFUEL UTILITY COSTS THROUGH THE FUEL CHARGE ADJUSTMENT PROCEDURE, (3) PROVIDE FOR ONGOING REVIEW OF CONSTRUCTION COSTS AND FOR RECOVERY OF COSTS IN RATES IN A GENERAL RATE CASE, (4) ADJUST THE PUBLIC UTILITY AND ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEES, (5) PROVIDE FOR THE PHASEOUT OF THE TAX ON THE SALE OF ENERGY TO NORTH CAROLINA FARMERS AND MANUFACTURERS, (6) PROVIDE AN INCOME TAX CREDIT FOR BUILDERS OF ENERGY-EFFICIENT HOMES, AND (7) ALLOW A TAX CREDIT TO CONTRIBUTORS TO 501(C)(3) ORGANIZATIONS FOR RENEWABLE ENERGY PROPERTY, with a favorable report.

H.B. 226, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCOTLAND COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

H.B. 401, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY WATER AND SEWER DISTRICTS TO ENGAGE IN INSTALLMENT PURCHASE FINANCING, with a favorable report.

Upon motion of Senator Clodfelter, the bill is placed on the Calendar for Monday, July 2.

H.B. 792, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NORTHAMPTON COUNTY TO LEVY A ROOM OCCUPANCY TAX, with a favorable report.

H.B. 1132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF A PER DIEM TO PUBLIC HEALTH AUTHORITY BOARDS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITY BOARDS TO ENTER INTO INSTALLMENT CONTRACTS, with a favorable report.

H.B. 1144, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA, with a favorable report.

Upon motion of Senator Clodfelter, the rules are suspended and the bill is placed on today's Calendar.

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H.B. 257 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SALES TAX DEFINITIONS TO COMPLY WITH THE STREAMLINED SALES TAX AGREEMENT AND TO MAKE OTHER SALES TAX 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 80460, is adopted and engrossed.

By Senator Graham for the **State & Local Government Committee**:

H.B. 638 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF KING AND THE TOWN OF MAIDEN TO ALLOW LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND TO USE GOLF CARTS ON PUBLIC STREETS AND HIGHWAYS, OR ANY PROPERTY OWNED OR LEASED BY THE CITY OR TOWN, with a favorable report.

H.B. 1143, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN STANLY 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 10252, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1153, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH.

Upon motion of Senator Soles, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 28.

H.B. 942, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OAK ISLAND TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF THE LOCAL SHARE OF CONSTRUCTING BEACH NOURISHMENT PROJECTS PRIOR TO THE CONSTRUCTION OF THE PROJECTS, upon second reading.

Senator Soles offers Amendment No. 1 which is adopted (50-0).

The bill, as amended, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett,

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East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: Senators Cowell and Kerr---2.

The bill, as amended, remains on the Calendar for Thursday, June 28, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 1415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE, referred to the **Commerce, Small Business and Entrepreneurship Committee** on May 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce, Small Business and Entrepreneurship Committee** and re-referred to the **Pensions & Retirement and Aging Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Commerce, Small Business and Entrepreneurship Committee** and re-refers the measure to the **Pensions & Retirement and Aging Committee**.

H.B. 135 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES FOR MOTORCYCLE MANUFACTURERS IN NORTH CAROLINA, referred to the **Transportation Committee** on June 21.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Transportation Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Transportation Committee** and re-refers the measure to the **Finance Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee**:

H.B. 384 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE LAWS PERTAINING TO THE FISCAL OPERATIONS OF THE COMMUNITY COLLEGE SYSTEM, with a favorable report.

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H.B. 581, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING MEETINGS OF COMMUNITY COLLEGE TRUSTEES, with a favorable report.

H.B. 583, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR PARTICIPATION IN A COMMUNITY COLLEGE LATERAL ENTRY PROGRAM, with a favorable report.

H.B. 642 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW RELATING TO COMMUNITY COLLEGE PERFORMANCE STANDARDS, with a favorable report.

H.B. 847, A BILL TO BE ENTITLED AN ACT CLARIFYING THAT EMPLOYEES OF THE NORTH CAROLINA COOPERATIVE EXTENSION SERVICE ARE EXEMPT FROM THE STATE PERSONNEL ACT, with a favorable report.

H.B. 956 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30504, which changes the title upon concurrence to read **H.B. 956** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

CALENDAR *(continued)*

S.B. 513 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WILMINGTON, NEW HANOVER COUNTY, AND A WATER AND SEWER AUTHORITY TO CONTRACT FOR SEWER-RELATED CONSTRUCTION, REPAIR, OR REPLACEMENT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Boseman, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled.

S.B. 654 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING RUTHERFORD COUNTY TO CONDUCT AN

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ADVISORY REFERENDUM ON A HIGH IMPACT LAND-USE ORDINANCE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dalton, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled.

H.B. 27 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A FILM AND PHOTOGRAPHIC PRINT PROCESSOR OR A COMPUTER TECHNICIAN WHO, IN THE PERSON'S SCOPE OF EMPLOYMENT, OBSERVES AN IMAGE OF A MINOR OR A PERSON WHO REASONABLY APPEARS TO BE A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE PERSON REQUESTING THE PROCESSING OF THE FILM OR PHOTOGRAPHS OR IN POSSESSION OF THE COMPUTER TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN OR TO THE APPROPRIATE LOCAL LAW ENFORCEMENT OFFICER.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 3.

H.B. 564 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BRUNSWICK COUNTY AND SUNSET BEACH ALCOHOLIC BEVERAGE CONTROL SYSTEMS TO RELOCATE CERTAIN STORES IN SUPPLY AND SUNSET BEACH WITHIN SEVEN MILES OF A MUNICIPALITY WITH EXISTING ABC STORES.

Upon motion of Senator Soles, the Senate adopts the Conference Report (48-2).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 21 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS.

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.

H.B. 244 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EQUITY BETWEEN THE PARTIES WITH RESPECT TO JUROR CHALLENGES IN CIVIL CASES.

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.

H.B. 554 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR ASSAULT ON A PATIENT IN A HEALTH CARE FACILITY OR RESIDENT OF A RESIDENTIAL

CARE FACILITY WHEN THE CONDUCT EVINCES A PATTERN OF BEHAVIOR, IS WILLFUL OR CULPABLY NEGLIGENT, AND CAUSES BODILY INJURY TO THE PATIENT OR RESIDENT.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 701, A BILL TO BE ENTITLED AN ACT TO EXEMPT LICENSEES WHO ARE IN ACTIVE PRACTICE AS COSMETOLOGISTS AND HAVE TWENTY CONSECUTIVE YEARS OF EXPERIENCE FROM CONTINUING EDUCATION REQUIREMENTS.

The bill passes its second (44-6) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 995 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR THE MALICIOUS, INTENTIONAL STARVATION OF AN ANIMAL AND MAKE OTHER CHANGES TO THE ANIMAL CRUELTY STATUTE.

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.

H.B. 1347 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO MAKE A FALSE REPORT CONCERNING A THREAT OF MASS VIOLENCE ON EDUCATIONAL PROPERTY.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 1482, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN DEFINITIONS UNDER THE LAWS PERTAINING TO CIVIL NO-CONTACT ORDERS.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 1758 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING THE REMOVAL OF MERCURY SWITCHES FROM VEHICLES.

The Committee Substitute bill No. 2 passes its second (50-0) and third readings and 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:

June 27, 2007

House of Representatives
June 26, 2007

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. 648** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND RECODIFY THE LAW AUTHORIZING THE DIVISION OF CORRECTION ENTERPRISES WITHIN THE DEPARTMENT OF CORRECTION, and requests conferees.

Speaker Hackney has appointed:

Representative Gibson, Chair
Representative R. Warren, 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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 26, 2007

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. 91** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES, and requests conferees.

Speaker Hackney has appointed:

Representative Ross, Chair
Representative Parmon

June 27, 2007

Representative Tolson
Representative Holliman
Representative Justice, 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:

S.B. 579 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS ON PUBLIC CONSTRUCTION PROJECTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, June 28, for concurrence.

CALENDAR *(continued)*

H.B. 1144, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA, placed earlier on today's Calendar, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

The bill remains on the Calendar for Thursday, June 28, upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

June 27, 2007

H.J.R. 2058, 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.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

The joint resolution passes its second (49-0) and third readings and is ordered enrolled.

Upon motion of Senator Goodall, the Chair extends the courtesies of the gallery to Mr. Dwight Moody, representing the WBT Briarhoppers.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 91 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES.

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. 91 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair, Senator Rand, and Senator Stevens as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Boseman, the Senate adjourns subject to receipt of committee reports, receipt of messages from the House of Representatives and referral and re-referral of bills, to meet Thursday, June 28, at 11:30 A.M.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Finance Committee**:

S.B. 18, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCOTLAND COUNTY 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 55527, which changes the title to read **S.B. 18** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MCDOWELL COUNTY TO LEVY AN ADDITIONAL TWO PERCENT ROOM OCCUPANCY AND TOURISM

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DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, is adopted and engrossed.

S.B. 1036, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIALIZED LICENSE PLATES FOR MOTORCYCLES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55528, which changes the title to read **S.B. 1036** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP THE BLUE RIDGE PARKWAY PLATE FOR MOTORCYCLES AND TO ISSUE A SPECIAL REGISTRATION PLATE FOR THE BACK COUNTRY HORSEMEN OF NORTH CAROLINA AND FOR THE MAGGIE VALLEY TROUT FESTIVAL, is adopted and engrossed.

S.B. 1340 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SALE OF BLOCKS OF TEN TEN-DAY COASTAL RECREATIONAL FISHING LICENSES, 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 2044 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2007; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS; EXTENDING THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS; DELAYING THE EFFECTIVE DATE OF CHANGES TO THE MEDICAID ESTATE RECOVERY PLAN; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-QUARTER CENT STATE SALES AND USE TAX FROM JULY 1, 2007, UNTIL AUGUST 1, 2007.

Referred to the **Appropriations/Base Budget Committee** and upon a favorable report, re-referred to the **Pensions & Retirement and Aging 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 5:04 P.M.

June 27, 2007

EIGHTY-NINTH DAY

Senate Chamber
Thursday, June 28, 2007

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, Dr. Fred Craddock, well-known Methodist preacher and professor, tells a story that might make some sense to our Senate Conferees on the budget. I remember the first church I served as a student.' He said, 'They had a fund called the Emergency Fund and had about \$100 in it. They told me I could use it at my discretion, provided I dispensed the money according to the conditions. So I said, 'What are the conditions?' The chairman of the committee said, 'You are not to give the money to anybody who is in need as a result of laziness, drunkenness, or poor management.' I said, 'Well, what else is there?' Far as I know, they still have that money. Most of us are better at judgment than grace. Amen."

The Chair grants leaves of absence for today to Senator Cowell, Senator Graham and Senator Smith.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, June 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Henry E. Parfitt, Jr., from Fayetteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Brown from Garland, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 167, AN ACT TO MAKE THE LEGISLATIVE INTERN PROGRAM AVAILABLE TO STUDENTS ENROLLED IN COMMUNITY COLLEGES THAT OFFER COLLEGE TRANSFER PROGRAMS AS WELL AS TO STUDENTS ENROLLED IN FOUR YEAR COLLEGES AND UNIVERSITIES.

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S.B. 583, AN ACT TO MAKE CLARIFYING AND OTHER CHANGES IN THE PUBLIC HEALTH LAW RELATED TO THE MEDICAL EXAMINER SYSTEM, INJURY CONTROL EFFORTS, TIMELINESS OF REPORTS BY SCHOOLS REGARDING IMMUNIZATIONS, AND THE CREATION, EXTENSION, AND DISSOLUTION OF SANITARY DISTRICTS.

S.B. 812, AN ACT TO DIRECT THE CHILD FATALITY TASK FORCE TO STUDY ISSUES RELATING TO REQUIRING THE INSTALLATION AND USE OF PASSENGER SAFETY RESTRAINT SYSTEMS ON SCHOOL BUSES.

H.B. 554, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR ASSAULT ON A PATIENT IN A HEALTH CARE FACILITY OR RESIDENT OF A RESIDENTIAL CARE FACILITY WHEN THE CONDUCT EVINCES A PATTERN OF BEHAVIOR, IS WILLFUL OR CULPABLY NEGLIGENT, AND CAUSES BODILY INJURY TO THE PATIENT OR RESIDENT.

H.B. 584, AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES, AND TO CHANGE THE MEMBERSHIP OF THE INFORMATION TECHNOLOGY ADVISORY BOARD.

H.B. 701, AN ACT TO EXEMPT LICENSEES WHO ARE IN ACTIVE PRACTICE AS COSMETOLOGISTS AND HAVE TWENTY CONSECUTIVE YEARS OF EXPERIENCE FROM CONTINUING EDUCATION REQUIREMENTS.

H.B. 1347, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO MAKE A FALSE REPORT CONCERNING A THREAT OF MASS VIOLENCE ON EDUCATIONAL PROPERTY.

H.B. 1482, AN ACT AMENDING CERTAIN DEFINITIONS UNDER THE LAWS PERTAINING TO CIVIL NO-CONTACT ORDERS.

H.B. 1758, AN ACT TO AMEND THE LAWS GOVERNING THE REMOVAL OF MERCURY SWITCHES FROM VEHICLES.

The Enrolling Clerk reports the following bills and a joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

June 28, 2007

S.B. 513, AN ACT AUTHORIZING THE CITY OF WILMINGTON, NEW HANOVER COUNTY, AND A WATER AND SEWER AUTHORITY TO CONTRACT FOR SEWER-RELATED CONSTRUCTION, REPAIR, OR REPLACEMENT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

S.B. 617, AN ACT EXEMPTING COUNTY VEHICLES USED BY MECKLENBURG COUNTY EMPLOYEES TO CARPOOL WITH EACH OTHER FROM THE PROVISIONS OF G.S. 14-247.

S.B. 654, AN ACT AUTHORIZING RUTHERFORD COUNTY TO CONDUCT AN ADVISORY REFERENDUM ON A HIGH IMPACT LAND-USE ORDINANCE.

H.B. 1089, AN ACT TO AMEND THE CHARTER OF THE TOWN OF FRANKLINTON TO PROVIDE FOR A COUNCIL-MANAGER FORM OF GOVERNMENT AND TO ALLOW THE LAKE ROYALE COMPANY POLICE TO ENTER INTO MUTUAL AID AGREEMENTS WITH FRANKLIN COUNTY FOR THE PURPOSE OF PARTICIPATING IN A MULTI-JURISDICTIONAL DRUG TASK FORCE AT THE REQUEST OF THE FRANKLIN COUNTY SHERIFF.

H.B. 1163, AN ACT AMENDING CERTAIN DESCRIBED PROPERTY TO BE ADDED TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS AND AUTHORIZING THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA.

H.J.R. 2058, 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. (Res. 51)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 646, A BILL TO BE ENTITLED AN ACT TO MAKE THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM'S DEBT

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COLLECTION PRACTICES MORE PATIENT FRIENDLY AND TO ASSIST CERTAIN PATIENTS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 680, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT AND TO REVISE SERVICE REQUIREMENTS TO CONFORM WITH RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, July 3.

H.B. 1086 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CUSTOMER USAGE TRACKING RATE ADJUSTMENT MECHANISMS FOR NATURAL GAS LOCAL DISTRIBUTION COMPANY RATES, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.J.R. 1561 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM DUDLEY ROBBINS, SR., FORMER LIEUTENANT COLONEL OF THE UNITED STATES ARMY.

Upon motion of Senator Rand, S.J.R. 1561 is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Upon motion of Senator Soles, the Committee Substitute 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 Soles:

“It is really an honor to have an opportunity to speak in favor of this resolution honoring the memory and the good deeds of Colonel William Dudley Robbins, Sr. As you know from the resolution, he was born here in Raleigh, but immediately moved with his family to Pender County where I have the opportunity of serving as their Senator now. He was an outstanding community leader. He was a leader in education, the military, his community, church, and, of course, his family. It is interesting to note that Colonel Robbins finished North Carolina State University in 1942 where he had been the Student Body President, the Cadet Colonel of the ROTC and where he had lettered in football, baseball, and boxing. Only two years later he had fought in the Battle of the Bulge and was a prisoner of war from 1944 to 1945. During his military career, he exhibited extreme leadership, honor, and was awarded the Bronze Star,

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Combat Infantryman's Badge, the Purple Heart, three Battle Stars, and ultimately reached the rank of Lieutenant Colonel. He was extremely active in the American Legion. He served as Post Commander, District Commander, State Vice Commander, State Commander, and was on the National Leadership Committee where he served on the National Executive Committee. Of course, I think the fact that three Governors chose him to chair the Veterans Affairs Commission in North Carolina speaks greatly for his ability, his honor, and his leadership. He not only was interested in the military and excelled there but, as you know, he was active in the community in many ways and served twenty-five years on the Board of Education for Pender County and twenty-three of those years he was the Chair of the Board. He was honored with the Order of the Long Leaf Pine and he was also a leader in his church, the Saint Mary's Episcopal Church. He was a teacher and a superintendent and a member of the Vestry. Of course, above all, he loved and honored his family and I am so pleased to have in the gallery today his wife and sons and several members of the community and friends who have come to join with us in this occasion. I commend this resolution to you. Thank you very much."

Senator Albertson:

"Senator Soles, thank you very much for bringing this resolution before us. He certainly was very deserving of this honor we bestow upon him. I knew Dudley many years ago when I worked with the U. S. Department of Agriculture and that was before I went into politics. Of course, I was able to get to know him and all of his family. We would go to the nursery for regulatory reasons and they were very good people, a very good family to work with. I thought about him yesterday, Madame President, when we had the student trooper program members here. Some of you might recall that he came up every year with that group and he was actively involved with these young people who were going into law enforcement. He took a lot of delight in doing that and rightly so. He was a true patriot I believe in every way. He was someone that was very involved in his community. He cared about his people. He truly loved this State and this Nation. I have nothing but good remembrance of him and I recommend the resolution to you."

Senator Dorsett:

"I happened to know Mr. Robbins because he was Chair of the Veterans Affairs Commission during my entire eight years as Secretary of Administration. He provided outstanding leadership and I don't know that he ever missed a meeting and I attended all of those Veterans Affairs Commission meetings as well as the annual meeting. One of the things that I observed about him was that he was truly dedicated to the veterans and he always provided encouragement and leadership and he was also one who worked very hard to assure that the veterans of our State and their families received the benefits that they were due. There are three things that I remember most about him. One was when we built the first veterans home in Fayetteville, North Carolina, he was there for the ground breaking and was certainly there for the opening of that

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facility. He was very proud of that. Also, his involvement with the very first cemetery that we built in Black Mountain, North Carolina, and then later one in Jacksonville and then one later in Fayetteville. He was always present offering his encouragement and leadership, not only to the veterans but to their families, as well. I had an opportunity to meet his wife. He had a very dedicated family. My thanks to you for lending him to us for all those years and for his leadership for North Carolina. I commend the resolution to you. Thank you.”

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Soles, the Chair extends the courtesies of the gallery to Jackie Robbins, his wife; Jimbo Robbins and Red Robbins, his sons; Bill Robbins and Susan Robbins, his son and daughter-in-law; Ben Holterman, former Mayor of Wilmington and friend; Tom Bradshaw, friend; Jimmy Tate, Pender County Commissioner; Mr. Charles Smith, Assistant Secretary, North Carolina Division of Veterans Affairs; Mr. William C. Cox, Current Chair of the North Carolina Veterans Affairs Commission; Mr. James A. Woodard, Manager of the State Nursing Program; Mr. Elree Smith, Past Department Commander of the VFW; Mrs. Chris Capps, Administrator of State Veterans Nursing Home in Fayetteville; Richard Nevil, State Commander of the American Legion, and Eddie Padgett, friend from Asheville.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee**:

H.B. 1640, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON THE USE OF MULTICOLOR PROCESS FOR PUBLICATIONS PUBLISHED AT STATE EXPENSE, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, July 3.

H.B. 2044 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2007; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS; EXTENDING THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS; DELAYING THE EFFECTIVE DATE OF CHANGES TO THE MEDICAID ESTATE RECOVERY PLAN; AND

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EXTENDING THE SUNSET ON THE ADDITIONAL ONE-QUARTER CENT STATE SALES AND USE TAX FROM JULY 1, 2007, UNTIL AUGUST 1, 2007, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

S.B. 242 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE PROCESS FOR ADMINISTRATIVE AND JUDICIAL REVIEW OF DISPUTED TAX MATTERS AND TO LIMIT A CORPORATION'S ABILITY TO USE REAL ESTATE INVESTMENT TRUSTS TO AVOID STATE TAXES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 2 is adopted and engrossed.

Upon motion of Senator Garrou, the Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

S.B. 254, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55525, which changes the title to read **S.B. 254** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF ELECTIONS TO USE HAVA FUNDS AND DELAYING THE EFFECTIVE DATE OF THE TICKET TO WORK PROGRAM, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LARCENY STATUTES AND TO CREATE THE CRIMINAL OFFENSES OF THEFT OF INFANT FORMULA AND ORGANIZED RETAIL THEFT, 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, 35403, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

H.B. 654, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A MEMBER OF A SCHOOL BOARD IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the bill is placed on today's Calendar.

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H.B. 833, A BILL TO BE ENTITLED AN ACT TO RENAME THE FIREMEN'S RELIEF FUND THE FIREFIGHTERS' RELIEF FUND IN RECOGNITION OF THE NUMEROUS FEMALE FIREFIGHTERS WHO SERVE, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, July 3.

H.B. 956 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS, with a favorable report.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

H.B. 1025, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EMPLOYERS TO AMORTIZE THE PAYMENT OF THE COST OF PROBATIONARY EMPLOYMENT FOR MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, July 3.

H.B. 1414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW PROVIDING FOR CREDITABLE SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM FOR MEMBERS WHO SERVED IN THE UNIFORMED SERVICES, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

H.B. 676 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM ANNUAL PENSION BENEFIT PAYABLE THROUGH THE REGISTER OF DEEDS' SUPPLEMENTAL PENSION FUND AND TO MAKE OTHER ADJUSTMENTS TO THE 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 80461, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

H.B. 1415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE, 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 50722, which changes the title upon concurrence to read **H.B. 1415** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE AND TO AMEND THE LAW PROVIDING LONG-TERM DISABILITY BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

By Senator Bingham for the **Health Care Committee**:

H.B. 973 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE EQUITY IN HEALTH INSURANCE COVERAGE FOR MENTAL ILLNESS, 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 50721, which changes the title upon concurrence to read **H.B. 973** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MANDATORY HEALTH INSURANCE COVERAGE OF CERTAIN MENTAL ILLNESSES AND TO REQUIRE AT LEAST A MINIMUM BENEFIT PACKAGE FOR OTHER MENTAL ILLNESSES, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1359, A BILL TO BE ENTITLED AN ACT TO PROVIDE VETERINARIANS WITH IMMUNITY FROM LIABILITY FOR REPORTING ANIMAL CRUELTY, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, July 3.

By Senator East for the **State & Local Government Committee**:

H.B. 1197 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF STATESVILLE TO MODIFY THE POWERS AND DUTIES OF THE CIVIL SERVICE BOARD, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10253, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

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CALENDAR (*continued*)

H.B. 942, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF OAK ISLAND TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF THE LOCAL SHARE OF CONSTRUCTING BEACH NOURISHMENT PROJECTS PRIOR TO THE CONSTRUCTION OF THE PROJECTS, as amended on second reading, upon third reading.

The bill, as amended, passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

H.B. 1144, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1153, A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill is ordered enrolled.

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H.B. 226, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCOTLAND COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 3.

H.B. 792, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NORTHAMPTON COUNTY TO LEVY A ROOM OCCUPANCY TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 3.

S.B. 18 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MCDOWELL COUNTY TO LEVY AN ADDITIONAL TWO PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon second reading.

The Committee Substitute bill passes its second 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, Boseman, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein---41.

Voting in the negative: Senators Brock, East, Forrester, Pittenger and Tillman---5.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for July 3, upon third reading.

H.B. 638 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF KING AND THE TOWN OF MAIDEN TO ALLOW LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND TO USE GOLF CARTS ON PUBLIC STREETS AND HIGHWAYS, OR ANY PROPERTY OWNED OR LEASED BY THE CITY OR TOWN.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 3.

H.B. 1143 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN STANLY COUNTY.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 3.

S.B. 579 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS ON PUBLIC CONSTRUCTION PROJECTS, 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.

S.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS), (2) ALLOW RECOVERY OF CERTAIN NONFUEL UTILITY COSTS THROUGH THE FUEL CHARGE ADJUSTMENT PROCEDURE, (3) PROVIDE FOR ONGOING REVIEW OF CONSTRUCTION COSTS AND FOR RECOVERY OF COSTS IN RATES IN A GENERAL RATE CASE, (4) ADJUST THE PUBLIC UTILITY AND ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEES, (5) PROVIDE FOR THE PHASEOUT OF THE TAX ON THE SALE OF ENERGY TO NORTH CAROLINA FARMERS AND MANUFACTURERS, (6) PROVIDE AN INCOME TAX CREDIT FOR BUILDERS OF ENERGY-EFFICIENT HOMES, AND (7) ALLOW A TAX CREDIT TO CONTRIBUTORS TO 501(C)(3) ORGANIZATIONS FOR RENEWABLE ENERGY PROPERTY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: Senator Kinnaird---1.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

The Senate recesses at 12:30 P.M. for the purpose of a Pensions & Retirement and Aging Committee meeting to reconvene at 12:35 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

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CALENDAR *(continued)*

H.B. 257 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SALES TAX DEFINITIONS TO COMPLY WITH THE STREAMLINED SALES TAX AGREEMENT AND TO MAKE OTHER SALES TAX CHANGES, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: None.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

H.B. 2044 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2007; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS; EXTENDING THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS; DELAYING THE EFFECTIVE DATE OF CHANGES TO THE MEDICAID ESTATE RECOVERY PLAN; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-QUARTER CENT STATE SALES AND USE TAX FROM JULY 1, 2007, UNTIL AUGUST 1, 2007, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

The Senate recesses at 1:40 P.M. for the purpose of a Finance 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.

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CALENDAR (*continued*)

H.B. 1132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF A PER DIEM TO PUBLIC HEALTH AUTHORITY BOARDS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITY BOARDS TO ENTER INTO INSTALLMENT CONTRACTS, 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 Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

S.B. 1036 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP THE BLUE RIDGE PARKWAY PLATE FOR MOTORCYCLES AND TO ISSUE A SPECIAL REGISTRATION PLATE FOR THE BACK COUNTRY HORSEMEN OF NORTH CAROLINA AND FOR THE MAGGIE VALLEY TROUT FESTIVAL.

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. 1340 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SALE OF BLOCKS OF TEN TEN-DAY COASTAL RECREATIONAL FISHING LICENSES.

The Committee Substitute bill No. 2 passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 2044 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2007; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC

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SCHOOLS; EXTENDING THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS; DELAYING THE EFFECTIVE DATE OF CHANGES TO THE MEDICAID ESTATE RECOVERY PLAN; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-QUARTER CENT STATE SALES AND USE TAX FROM JULY 1, 2007, UNTIL AUGUST 1, 2007, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee:**

H.B. 1369, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE PRESERVATION OF PRESCRIPTION DRUG ORDERS BY PHARMACIES, 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 50723, which changes the title upon concurrence to read **H.B. 1369** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE PRESERVATION OF PRESCRIPTION DRUG ORDERS BY PHARMACIES AND TO PERMIT MEDICAL CONSENT AND AUTHORIZATION FORMS TO BE KEPT IN THE SAME ELECTRONIC FORMAT AS OTHER MEDICAL RECORDS, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute is placed on the Calendar for Tuesday, July 3.

CALENDAR *(continued)*

H.B. 384 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE LAWS PERTAINING TO THE FISCAL OPERATIONS OF THE COMMUNITY COLLEGE SYSTEM.

Upon motion of Senator Albertson, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 581, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING MEETINGS OF COMMUNITY COLLEGE TRUSTEES.

Senator Apodaca offers Amendment No. 1 which he subsequently withdraws.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor by special message.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 464 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTIES OF BURKE, CALDWELL,

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CASWELL, GREENE, JONES, AND WAYNE TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Pursuant to the message from the House of Representatives received Tuesday, June 26, that the House fails to concur in the Senate Committee Substitute bill for H.B. 464 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Kerr, Chair; Senator Brown; Senator Jacumin; and Senator Kinnaird as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 648 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND RECODIFY THE LAW AUTHORIZING THE DIVISION OF CORRECTION ENTERPRISES WITHIN THE DEPARTMENT OF CORRECTION.

Pursuant to the message from the House of Representatives received Wednesday, June 27, that the House fails to concur in the Senate Committee Substitute bill for H.B. 648 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Jones, Chair, Senator Bingham and Senator Goss as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR *(continued)*

H.B. 583, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR PARTICIPATION IN A COMMUNITY COLLEGE LATERAL ENTRY PROGRAM.

The bill passes its second (46-1) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 642 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW RELATING TO COMMUNITY COLLEGE PERFORMANCE STANDARDS.

The Committee Substitute bill passes its second reading (47-0).

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, July 3, upon third reading.

H.B. 847, A BILL TO BE ENTITLED AN ACT CLARIFYING THAT EMPLOYEES OF THE NORTH CAROLINA COOPERATIVE EXTENSION SERVICE ARE EXEMPT FROM THE STATE PERSONNEL ACT.

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The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor by special message.

S.B. 254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF ELECTIONS TO USE HAVA FUNDS AND DELAYING THE EFFECTIVE DATE OF THE TICKET TO WORK PROGRAM, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 2044 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2007; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS; EXTENDING THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS; DELAYING THE EFFECTIVE DATE OF CHANGES TO THE MEDICAID ESTATE RECOVERY PLAN; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-QUARTER CENT STATE SALES AND USE TAX FROM JULY 1, 2007, UNTIL AUGUST 1, 2007, placed earlier on today's Calendar.

Senator Berger of Rockingham offers Amendment No. 1.

Senator Rand offers a motion that Amendment No. 1 lie upon the table, seconded by Senator Clodfelter, which motion prevails (29-18). Amendment No. 1 is tabled.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 29, noes 18, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goss, Hagan, Hoyle, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, 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, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Preston, Stevens and Tillman---18.

The Committee Substitute bill remains on the Calendar for Friday, June 29, upon third reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Weinstein.

H.B. 654, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A MEMBER OF A SCHOOL BOARD IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION, placed earlier on today's Calendar.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor by special message.

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The Chair grants a leave of absence for the remainder of today's session to Senator Jenkins.

H.B. 384 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE LAWS PERTAINING TO THE FISCAL OPERATIONS OF THE COMMUNITY COLLEGE SYSTEM, temporarily displaced earlier today.

Senator Albertson offers Amendment No. 1 which is adopted (44-1).

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.

The Senate recesses at 1:29 P.M. to reconvene at 2:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Shaw.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 135 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES FOR MOTORCYCLE MANUFACTURERS IN 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 50724, which changes the title upon concurrence to read **H.B. 135** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DEALER PLATES WITH A SYMBOL NOTING THAT THE HOLDER IS A MANUFACTURER, TO EXEMPT MANUFACTURERS FROM THE RESTRICTIONS ON THE NUMBER OF DEALER PLATES THAT MAY BE ISSUED TO THEM, AND TO CLARIFY THAT THE DIVISION MAY ISSUE A DEALER PLATE IN A SUITABLY REDUCED SIZE FOR MOTORCYCLE DEALERS AND MANUFACTURERS, 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.

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The Senate Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee:**

H.B. 1338 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ELECTRICAL CONTRACTORS BOARD TO RAISE THE PROJECT VALUE LIMITS FOR LICENSE CLASSIFICATIONS UNDER THE LAWS REGULATING ELECTRICAL CONTRACTORS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50725, which changes the title upon concurrence to read **H.B. 1338** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ELECTRICAL CONTRACTORS BOARD TO RAISE THE PROJECT VALUE LIMITS FOR LICENSE CLASSIFICATIONS UNDER THE LAWS REGULATING ELECTRICAL CONTRACTORS AND TO RAISE THE PROJECT VALUE LIMITS FOR LICENSE CLASSIFICATIONS UNDER THE LAWS REGULATING GENERAL CONTRACTORS, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 3.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 930 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GRANTING AUTHORITY TO PRIVATE CORRECTIONAL OFFICERS EMPLOYED PURSUANT TO A CONTRACT WITH THE FEDERAL BUREAU OF PRISONS, for concurrence in House Amendment No 1.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill, as amended, is placed on today's Calendar for concurrence in House Amendment No. 1.

S.B. 652 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS

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OF THE CITIES' OVERGROWN VEGETATION ORDINANCES AND ALLOWING THE COMPENSATION OF THE MAYOR AND COUNCIL OF THE CITY OF EDEN TO BE SET UNDER GENERAL LAW, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, July 3, for concurrence.

S.B. 254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF ELECTIONS TO USE HAVA FUNDS AND DELAYING THE EFFECTIVE DATE OF THE TICKET TO WORK PROGRAM, for concurrence in House Amendment No. 1.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill, as amended, is placed on today's Calendar for concurrence in Senate Amendment No. 1.

CALENDAR *(continued)*

S.B. 930 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GRANTING AUTHORITY TO PRIVATE CORRECTIONAL OFFICERS EMPLOYED PURSUANT TO A CONTRACT WITH THE FEDERAL BUREAU OF PRISONS, placed earlier on today's Calendar, for concurrence in House Amendment No. 1.

Upon motion of Senator Jones, the Senate concurs in House Amendment No. 1 (43-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF ELECTIONS TO USE HAVA FUNDS AND DELAYING THE EFFECTIVE DATE OF THE TICKET TO WORK PROGRAM, placed earlier on today's Calendar, for concurrence in House Amendment No. 1.

Upon motion of Senator Garrou, the Senate concurs in House Amendment No. 1 (43-0) and the bill is ordered enrolled and sent to the Governor by special message.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1086 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN SCHOOL BUILDINGS, IN SCHOOL

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FACILITIES, ON SCHOOL CAMPUSES, OR AT SCHOOL-RELATED OR SCHOOL-SPONSORED EVENTS, AND IN OR ON OTHER SCHOOL PROPERTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 3, for concurrence.

S.B. 881 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE THE RESIDENCY REQUIREMENTS FOR LICENSURE UNDER THE LAWS PERTAINING TO BAIL BONDSMEN AND RUNNERS AND TO MAKE OTHER STYLISTIC CHANGES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 3, for concurrence.

S.B. 382 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH AND TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF DALLAS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Friday, June 29, for concurrence, upon second reading.

H.B. 78 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BURKE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

Referred to the **Finance Committee**.

H.B. 1027 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE YADKIN COUNTY TO LEVY A ROOM OCCUPANCY TAX.

Referred to the **Finance Committee**.

Upon motion of Senator Dannelly, seconded by Senator Snow, the Senate adjourns subject to reading of messages from the House of Representatives, and receipt of conference reports and committee reports to meet Friday, June 29, at 12:01 A.M.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 540, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS, MOTOR FUELS TAX LAWS, AND RELATED STATUTES, with an

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unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15111, is adopted and engrossed.

Upon motion of Senator Hoyle, the bill is placed on the Calendar for Tuesday, July 3.

S.B. 1362 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO CLARIFY THE DEFINITION OF DRY-CLEANING SOLVENT, TO AUTHORIZE THE USE OF FUNDS FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR THE INVESTIGATION OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES REASONABLY BELIEVED TO BE CONTAMINATED BY DRY-CLEANING SOLVENT, TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY A PRIVATE CONTRACTOR RETAINED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, TO MODIFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO POTENTIALLY RESPONSIBLE PARTIES, AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES, 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, 35404, which changes the title to read **S.B. 1362** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO CLARIFY THE DEFINITION OF DRY-CLEANING SOLVENT, TO AUTHORIZE THE USE OF FUNDS FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR THE INVESTIGATION OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES REASONABLY BELIEVED TO BE CONTAMINATED BY DRY-CLEANING SOLVENT, TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY A PRIVATE CONTRACTOR RETAINED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, TO MODIFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO POTENTIALLY RESPONSIBLE PARTIES, TO AUTHORIZE TEMPORARY RULE MAKING, AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, July 3.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:52 P.M.

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NINETIETH DAY

Senate Chamber
Friday, June 29, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Honorable Steve Goss, Senator from Watauga County, as follows:

"Lord of creation the midnight hour has come. The promise of life has endured yet another day and even as the dawn awaits us a few hours away, may we cast a vote and voice of hope for the people of North Carolina. Amen."

The Chair grants leaves of absence for today to Senator Allran, Senator Boseman, Senator Forrester, Senator Goodall, Senator Graham, Senator Jacumin, Senator Jenkins, Senator Pittenger, Senator Shaw, Senator Smith and Senator Weinstein.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, 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.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 254, AN ACT AUTHORIZING THE STATE BOARD OF ELECTIONS TO USE HAVA FUNDS AND DELAYING THE EFFECTIVE DATE OF THE TICKET TO WORK PROGRAM.

S.B. 738, AN ACT TO EXEMPT FOR-HIRE VEHICLES USED FOR CERTAIN AGRICULTURAL PURPOSES FROM THE VEHICLE REGISTRATION REQUIREMENTS, TO INCREASE THE ALLOWED LENGTH OF TRUCKS THAT TRANSPORT COTTON, AND TO CLARIFY THAT FARM EQUIPMENT INCLUDES TRUCKS THAT TRANSPORT COTTON.

S.B. 830, AN ACT TO DEVELOP PERFORMANCE STANDARDS FOR THE DEPARTMENT OF TRANSPORTATION AND TO MODIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS.

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S.B. 930, AN ACT TO REVISE THE LAW GRANTING AUTHORITY TO PRIVATE CORRECTIONAL OFFICERS EMPLOYED PURSUANT TO A CONTRACT WITH THE FEDERAL BUREAU OF PRISONS.

H.B. 24, AN ACT TO PROTECT THE PUBLIC FROM THE HEALTH RISKS OF SECONDHAND SMOKE BY PROHIBITING SMOKING IN BUILDINGS OWNED, LEASED, OR OCCUPIED BY STATE GOVERNMENT; AND TO AUTHORIZE LOCAL GOVERNMENTS TO REGULATE SMOKING IN BUILDINGS AND TRANSPORTATION VEHICLES OWNED, LEASED, OR OCCUPIED BY LOCAL GOVERNMENT AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

H.B. 47, AN ACT TO CREATE A FELONY OFFENSE FOR PERSONS WHO KNOWINGLY VIOLATE A DOMESTIC VIOLENCE PROTECTIVE ORDER WHILE ARMED WITH A DEADLY WEAPON AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

H.B. 550, AN ACT TO MODIFY THE LAW PERTAINING TO THE CONFIDENTIALITY OF SCHOOL PERSONNEL FILES.

H.B. 581, AN ACT TO MODIFY THE LAW REGARDING MEETINGS OF COMMUNITY COLLEGE TRUSTEES.

H.B. 583, AN ACT TO MODIFY THE REQUIREMENTS FOR PARTICIPATION IN A COMMUNITY COLLEGE LATERAL ENTRY PROGRAM.

H.B. 654, AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A MEMBER OF A SCHOOL BOARD IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION.

H.B. 847, AN ACT CLARIFYING THAT EMPLOYEES OF THE NORTH CAROLINA COOPERATIVE EXTENSION SERVICE ARE EXEMPT FROM THE STATE PERSONNEL ACT.

H.B. 1487, AN ACT TO CLARIFY ACTIVE MEMBERSHIP IN THE STATE BAR AND ALLOW INACTIVE LAWYERS TO PROVIDE PRO BONO LEGAL SERVICES, TO MODIFY THE NUMBER OF MEMBERS ON THE STATE BAR COUNCIL TO EQUAL THE NUMBER OF JUDICIAL DISTRICTS PLUS SIXTEEN, TO ALLOW LAW STUDENTS TO ACT AS LEGAL INTERNS FOR GOVERNMENT AGENCIES AND OUT-OF-STATE LAWYERS TO PROVIDE PRO BONO LEGAL SERVICES, AND TO REQUIRE THAT AN OUT-OF-STATE LAWYER FILE A REGISTRATION STATEMENT WITH THE STATE BAR.

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The Enrolling Clerk reports the following bills and a joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 1144, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA.

H.B. 1153, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH.

S.J.R. 1561 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM DUDLEY ROBBINS, SR., FORMER LIEUTENANT COLONEL OF THE UNITED STATES ARMY. (Res. 52)

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. 447, AN ACT TO REPEAL THE PROVISIONS ESTABLISHING THE SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF WHITEVILLE. (Became law upon ratification, June 27, 2007 - S.L. 2007-111.)

S.B. 465, AN ACT TO CONSOLIDATE AND REWRITE THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AMEND THE DEADLINE FOR THE DEVELOPMENT OF A CONVENTION CENTER PLAN FOR CARTERET COUNTY. (Became law upon ratification, June 27, 2007 - S.L. 2007-112.)

S.B. 544, AN ACT TO RESTATE THE CHARTER OF CABARRUS MEMORIAL HOSPITAL, AND TO ESTABLISH AND ASSURE THE CONTINUITY OF ELIGIBILITY OF CABARRUS COLLEGE OF HEALTH SCIENCES TO RECEIVE LEGISLATIVE TUITION GRANTS AND TO RECOGNIZE THE CONTINUED AUTHORITY TO AWARD DEGREES SUBJECT TO MERGER. (Became law upon ratification, June 27, 2007 - S.L. 2007-113.)

S.B. 862, AN ACT TO ALLOW REGULATION OF SMOKING ON THE CAMPUSES OF THE UNC HEALTH CARE SYSTEM, THE FACILITIES OF THE EAST CAROLINA SCHOOL OF MEDICINE AND PHYSICIANS PRACTICE PLAN, AND THE BUILDINGS AND GROUNDS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-114.)

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H.B. 353, AN ACT TO PROVIDE ACCESS TO INFORMATION FOR PUBLIC HEALTH PURPOSES IN A MANNER THAT IS CONSISTENT WITH THE HEALTH INFORMATION PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) MEDICAL PRIVACY RULE AND TO CLARIFY THAT OTHER DISCLOSURES ARE GOVERNED BY HIPAA. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-115.)

S.B. 30, AN ACT TO AMEND LAWS TO PROVIDE GREATER PROTECTION FOR DOMESTIC VIOLENCE VICTIMS AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-116.)

S.B. 1119, AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE STATE BUDGET ACT, TO MAKE TECHNICAL CORRECTIONS IN CERTAIN OTHER STATUTES THAT WERE AMENDED BECAUSE CONFORMING CHANGES WERE REQUIRED BY THE ENACTMENT OF THE STATE BUDGET ACT, TO TRANSFER THE PROVISIONS CURRENTLY IN THE EXECUTIVE BUDGET ACT REGARDING FLEXIBLE COMPENSATION TO CHAPTER 126 OF THE GENERAL STATUTES AND CLARIFY THAT THOSE PROVISIONS CONTINUE TO APPLY TO THE SAME STATE EMPLOYEES, AND TO CLARIFY THAT THE PROVISIONS REGARDING DISCONTINUED SERVICE RETIREMENT ALLOWANCE AND SEVERANCE WAGES FOR CERTAIN STATE EMPLOYEES THAT CURRENTLY APPEAR IN THE EXECUTIVE BUDGET ACT BUT THAT ARE TRANSFERRED TO CHAPTER 126 OF THE GENERAL STATUTES EFFECTIVE JULY 1, 2007, SHALL CONTINUE TO COVER THE SAME STATE EMPLOYEES. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-117.)

H.B. 107, AN ACT TO CLARIFY THE STATUTES RELATING TO ABANDONED AND NEGLECTED CEMETERIES. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-118.)

S.B. 211, AN ACT TO REVISE THE LAW GOVERNING ELECTRONIC SIGNATURES BY CLARIFYING THAT PUBLIC AGENCIES MAY USE, AS WELL AS ACCEPT, ELECTRONIC SIGNATURES. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-119.)

H.B. 700, AN ACT TO CLARIFY STANDARDS FOR CODE-ENFORCEMENT OFFICIALS. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-120.)

H.B. 695, AN ACT TO EXPAND AGENCIES COVERED BY THE STATE GOVERNMENT INTERNSHIP PROGRAM. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-121.)

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H.B. 105, AN ACT TO MODIFY THE LAW REGARDING THE DESECRATION OF A GRAVE, AS RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON ABANDONED CEMETERIES. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-122.)

H.B. 1486, AN ACT TO AMEND THE DIETETICS/NUTRITION PRACTICE ACT CONCERNING REVIEW OF CHANGES. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-123.)

S.B. 1337, AN ACT AMENDING THE NORTH CAROLINA DENTAL HYGIENE ACT TO PROVIDE FOR CERTAIN ACTIVITIES TO BE PERFORMED BY LICENSED HYGIENISTS OUTSIDE THE DIRECT SUPERVISION OF A DENTIST. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-124.)

S.B. 748, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXTEND THE RESTRICTION ON THE ISSUING OF LICENSES FOR HOME CARE AGENCIES BY ONE YEAR. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-125.)

H.B. 485, AN ACT TO ENSURE THAT STUDENTS IN GRADES NINE THROUGH TWELVE RECEIVE INFORMATION ANNUALLY ABOUT THE MANNER IN WHICH A PARENT MAY LAWFULLY ABANDON A NEWBORN BABY WITH A RESPONSIBLE PERSON. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-126.)

H.B. 737, AN ACT TO MAKE CHANGES IN THE LAWS RELATING TO THE MONITORING OF SOLVENCY OF INSURANCE COMPANIES AND OTHER RISK-BEARING ENTITIES REGULATED BY THE COMMISSIONER OF INSURANCE. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-127.)

S.B. 966, AN ACT TO AUTHORIZE THE NORTH CAROLINA CAPITAL FACILITIES FINANCE AGENCY TO ISSUE BONDS FOR SALVAGE CENTERS, CERTAIN RESEARCH FACILITIES, AND INTERNATIONAL HEADQUARTERS OF NONPROFIT SCHOLARLY SOCIETIES. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-128.)

H.B. 1617, AN ACT TO REQUIRE INVESTIGATIONS OF THE USE OF DEADLY FORCE BY LAW ENFORCEMENT OFFICERS UNDER CERTAIN CIRCUMSTANCES. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-129.)

H.B. 696, AN ACT TO ENSURE FAMILY SUPPORT GRANTS ARE PROVIDED TO COMMUNITY-BASED AGENCIES TO IMPLEMENT ONLY FAMILY SUPPORT PROGRAMS THAT ARE RESEARCH-BASED

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AND HAVE BEEN EVALUATED FOR EFFECTIVENESS UNDER THE LAWS PERTAINING TO THE FAMILY RESOURCE CENTER GRANT PROGRAM. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-130.)

H.B. 1456, AN ACT TO FACILITATE THE ACQUISITION AND DISPOSITION OF PROPERTY AND THE PROCUREMENT OF GOODS AND SERVICES BY REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-131.)

H.B. 775, AN ACT TO REVISE THE UNIFORM SIMULTANEOUS DEATH ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-132.)

H.B. 748, AN ACT TO COVER EXTRA PRESCRIPTIONS DURING A STATE OF EMERGENCY OR DISASTER. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-133.)

S.B. 125, AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL AN INSTRUMENT THAT CAN BE USED TO VAPORIZE OR INTRODUCE ETHYL ALCOHOL INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION. (Became law upon approval of the Governor, June 27, 2007 - S.L. 2007-134.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 28, 2007

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. 564** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BRUNSWICK COUNTY AND SUNSET BEACH ALCOHOLIC BEVERAGE CONTROL SYSTEMS TO RELOCATE CERTAIN STORES IN SUPPLY AND SUNSET BEACH WITHIN SEVEN MILES OF A MUNICIPALITY WITH EXISTING ABC STORES.

June 29, 2007

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

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 382 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH AND TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF DALLAS, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goss, Hagan, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Snow, Soles, Stevens and Swindell---34.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Tuesday, July 3, for concurrence, upon third reading.

H.B. 2044 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2007; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS; EXTENDING THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS; DELAYING THE EFFECTIVE DATE OF CHANGES TO THE MEDICAID ESTATE RECOVERY PLAN; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-QUARTER CENT STATE SALES AND USE TAX FROM JULY 1, 2007, UNTIL AUGUST 1, 2007, upon third reading.

Senator Hoyle announces a pair vote. If Senator Forrester were present, he would vote "no"; Senator Hoyle votes "aye".

Senator Soles announces a pair vote. If Senator Pittenger were present, he would vote "no"; Senator Soles votes "aye".

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Senator Brown announces a pair vote. If Senator Jenkins were present, he would vote "aye"; Senator Brown votes "no".

Senator Atwater announces a pair vote. If Senator Jacumin were present, he would vote "no"; Senator Atwater votes "aye".

Senator Snow announces a pair vote. If Senator Goodall were present, he would vote "no"; Senator Snow votes "aye".

Senator Apodaca announces a pair vote. If Senator Weinstein were present, he would vote "aye"; Senator Apodaca votes "no".

Senator Bingham announces a pair vote. If Senator Shaw were present, he would vote "aye"; Senator Bingham votes "no".

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 21, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Berger of Franklin, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goss, Hagan, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand and Swindell---21.

Voting in the negative: Senators Berger of Rockingham, Brock, Brunstetter, Hunt, Preston and Stevens---6.

The Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

Upon motion of Senator Dannelly, seconded by Senator Rand, the Senate adjourns subject to ratification of bills, to meet Monday, July 2, at 7:00 P.M.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 2044, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2007; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS; EXTENDING THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS; DELAYING THE EFFECTIVE DATE OF CHANGES TO THE MEDICAID ESTATE RECOVERY PLAN; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-QUARTER CENT STATE SALES AND USE TAX FROM JULY 1, 2007, UNTIL AUGUST 1, 2007.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 12:28 A.M.

June 29, 2007

NINETY-FIRST DAY

Senate Chamber
Monday, July 2, 2007

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 no better way to begin a new week in the Senate than with the assurance that what we can't do, you can. That what we are yet to learn, you already know. May we lean on you for strength and learn as you guide us. When we fall, lift us up. Where we wander in error, lead us back to the truth. In your Holy name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Apodaca, Senator Graham, Senator Hagan and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, June 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Nicholas Stratas from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 1527 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS RELATING TO LICENSING OF INSURANCE PRODUCERS AND BAIL BONDSMEN; TO MAKE CHANGES IN THE FEE STRUCTURES FOR AGENTS AND ADJUSTERS; TO AUTHORIZE THE OUTSOURCING OF CERTAIN FUNCTIONS RELATING TO THE ADMINISTRATION OF CONTINUING EDUCATION AND ADMINISTRATIVE PROGRAMS; AND TO MAKE OTHER SUBSTANTIVE CHANGES, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

July 2, 2007

By Senator Allran:

S.J.R. 1568, A JOINT RESOLUTION HONORING THE MEMORY OF JULIAN G. WHITENER, FORMER MAYOR OF THE CITY OF HICKORY, ON THE OCCASION OF HICKORY BEING NAMED A 2007 ALL-AMERICA CITY.

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. 382 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH AND TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF DALLAS, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

H.B. 401, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY WATER AND SEWER DISTRICTS TO ENGAGE IN INSTALLMENT PURCHASE FINANCING, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: None.

The bill remains on the Calendar for Tuesday, July 3, upon third reading.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

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Bianca Anthony, Ahoskie; Glenn Bitler, Raleigh; Mary Morgan Bitler, Raleigh; Dara Brown, Raleigh; Laura Droege, Durham; Julia Flagler, Wilmington; Katherine Hartman, Hendersonville; Vriti Jain, Chapel Hill; Sean Jones, Fayetteville; Joseph Kilburn, Raleigh; Kate Lucas, Raleigh; Grant Ludwig III, Raleigh; Brittany Marshall, Raleigh; Jenna McBrayer, Raleigh; Erin McBrayer, Raleigh; Alexandria McLaurin, Fayetteville; Cassie McMillan, Chapel Hill; Jessica Peacock, Raleigh; Alex Phillips, Durham; Daniel Pollitt, Chapel Hill; Ashley Roland, Asheville; Kim Scott, Cary; Jonathon Vandezande, Raleigh; Alyse Wike, Fayetteville; and Katie Womble, Cary.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 579, AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS ON PUBLIC CONSTRUCTION PROJECTS.

H.B. 564, AN ACT TO ALLOW THE BRUNSWICK COUNTY AND SUNSET BEACH ALCOHOLIC BEVERAGE CONTROL SYSTEMS TO RELOCATE CERTAIN STORES IN SUPPLY AND SUNSET BEACH WITHIN SEVEN MILES OF A MUNICIPALITY WITH EXISTING ABC STORES.

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. 513, AN ACT AUTHORIZING THE CITY OF WILMINGTON, NEW HANOVER COUNTY, AND A WATER AND SEWER AUTHORITY TO CONTRACT FOR SEWER-RELATED CONSTRUCTION, REPAIR, OR REPLACEMENT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES. (Became law upon ratification, June 28, 2007 - S.L. 2007-135.)

S.B. 617, AN ACT EXEMPTING COUNTY VEHICLES USED BY MECKLENBURG COUNTY EMPLOYEES TO CARPOOL WITH EACH OTHER FROM THE PROVISIONS OF G.S. 14-247. (Became law upon ratification, June 28, 2007 - S.L. 2007-136.)

S.B. 654, AN ACT AUTHORIZING RUTHERFORD COUNTY TO CONDUCT AN ADVISORY REFERENDUM ON A HIGH IMPACT LAND-USE ORDINANCE. (Became law upon ratification, June 28, 2007 - S.L. 2007-137.)

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H.B. 1089, AN ACT TO AMEND THE CHARTER OF THE TOWN OF FRANKLINTON TO PROVIDE FOR A COUNCIL-MANAGER FORM OF GOVERNMENT AND TO ALLOW THE LAKE ROYALE COMPANY POLICE TO ENTER INTO MUTUAL AID AGREEMENTS WITH FRANKLIN COUNTY FOR THE PURPOSE OF PARTICIPATING IN A MULTI-JURISDICTIONAL DRUG TASK FORCE AT THE REQUEST OF THE FRANKLIN COUNTY SHERIFF. (Became law upon ratification, June 28, 2007 - S.L. 2007-138.)

H.B. 1163, AN ACT AMENDING CERTAIN DESCRIBED PROPERTY TO BE ADDED TO THE CORPORATE LIMITS OF THE TOWN OF LANDIS AND AUTHORIZING THE TOWN TO EXERCISE PLANNING AND ZONING POWERS IN THE DESCRIBED AREA PRIOR TO ANNEXATION OF THE AREA. (Became law upon ratification, June 28, 2007 - S.L. 2007-139.)

H.B. 1144, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA. (Became law upon ratification, June 29, 2007 - S.L. 2007-140.)

H.B. 1153, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH. (Became law upon ratification, June 29, 2007 - S.L. 2007-141.)

H.B. 1758, AN ACT TO AMEND THE LAWS GOVERNING THE REMOVAL OF MERCURY SWITCHES FROM VEHICLES. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-142.)

H.B. 654, AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A MEMBER OF A SCHOOL BOARD IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-143.)

S.B. 254, AN ACT AUTHORIZING THE STATE BOARD OF ELECTIONS TO USE HAVA FUNDS AND DELAYING THE EFFECTIVE DATE OF THE TICKET TO WORK PROGRAM. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-144.)

H.B. 2044, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2007; APPROPRIATING FUNDS FOR INCREASES IN THE AVERAGE DAILY MEMBERSHIP IN THE PUBLIC SCHOOLS; EXTENDING THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS;

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DELAYING THE EFFECTIVE DATE OF CHANGES TO THE MEDICAID ESTATE RECOVERY PLAN; AND EXTENDING THE SUNSET ON THE ADDITIONAL ONE-QUARTER CENT STATE SALES AND USE TAX FROM JULY 1, 2007, UNTIL AUGUST 1, 2007. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-145.)

H.B. 1492, AN ACT AUTHORIZING THE LICENSURE OF ANESTHESIOLOGIST ASSISTANTS. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-146.)

H.B. 1340, AN ACT TO RECOGNIZE THE VALUE OF AMATEUR RADIO COMMUNICATIONS BY REQUIRING CITY AND COUNTY ORDINANCES REGULATING ANTENNAS TO REASONABLY ACCOMMODATE AMATEUR RADIO COMMUNICATIONS. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-147.)

S.B. 376, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF NURSING TO ACQUIRE PROPERTY, CONDUCT EVIDENCE HEARINGS BY PANELS, SERVE SUBPOENAS ISSUED BY THE BOARD, AND ESTABLISH STANDARDS FOR APPLICANT REQUIREMENTS FOR MEDICATION AIDE TRAINING. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-148.)

S.B. 834, AN ACT TO CLARIFY THE DIVISION OF SERVICES FOR THE DEAF AND HARD OF HEARING COMMUNICATION SERVICES PROGRAM AND TO UPDATE THE LANGUAGE IN THE STATUTE TO CONFORM TO THE TERMINOLOGY USED IN THE AMERICANS WITH DISABILITIES ACT. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-149.)

H.B. 645, AN ACT CONTINUING THE STATE HISTORICAL RECORDS ADVISORY BOARD. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-150.)

H.B. 865, AN ACT TO REMOVE BARRIERS TO ADOPTION FOR RESIDENTS OF OTHER STATES SEEKING TO ADOPT CHILDREN IN NORTH CAROLINA UNDER THE LAWS PERTAINING TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-151.)

H.B. 866, AN ACT TO EXPAND THE REACH OF NORTH CAROLINA COURTS IN PROCEEDINGS TO TERMINATE THE PARENTAL RIGHTS OF NONRESIDENT PARENTS OF RESIDENT CHILDREN. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-152.)

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S.B. 1472, AN ACT TO AMEND THE DISTRIBUTION OF THE PROCEEDS OF THE SCRAP TIRE DISPOSAL TAX TO INCREASE FUNDS ALLOCATED TO COUNTIES FOR THE DISPOSAL OF SCRAP TIRES, TO INCREASE FUNDS ALLOCATED TO THE SOLID WASTE MANAGEMENT TRUST FUND, AND TO DECREASE FUNDS ALLOCATED TO THE SCRAP TIRE DISPOSAL ACCOUNT. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-153.)

H.B. 915, AN ACT ENCOURAGING THE PUBLIC SCHOOLS, THE COMMUNITY COLLEGE SYSTEM, AND THE UNIVERSITY OF NORTH CAROLINA TO OFFER AMERICAN SIGN LANGUAGE FOR CREDIT AS A MODERN FOREIGN LANGUAGE. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-154.)

S.B. 878, AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-155.)

S.B. 164, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RULES AND REGULATIONS REGARDING HOUSING INDIVIDUALS WITH MENTAL ILLNESS IN THE SAME FACILITY VICINITY AS INDIVIDUALS WITHOUT MENTAL ILLNESS, AND TO RECOMMEND STAFF TRAINING REQUIREMENTS FOR DIRECT CARE WORKERS IN ADULT CARE HOMES TO PROVIDE APPROPRIATE CARE TO RESIDENTS WITH MENTAL ILLNESS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-156.)

S.B. 680, AN ACT TO STREAMLINE REGULATION OF TELECOMMUNICATIONS PROMOTIONS. (Became law upon approval of the Governor, June 29, 2007 - S.L. 2007-157.)

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns at 7:14 P.M. subject to reading of messages from the House of Representatives, to meet Tuesday, July 3, at 1:30 P.M.

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NINETY-SECOND DAY

Senate Chamber
Tuesday, July 3, 2007

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 and liberating God, your hand has made and preserved our Nation. Grant that we may understand that what we celebrate tomorrow at parades, picnics and fireworks displays our freedom. May we remember how bitterly our freedom was won and the price that is being paid daily by those who serve our Country in the military. May freedom be seen, not as the right to do as we please, but the opportunity to do what is right. Let it be understood that our liberty is under God and can be found no where else and that our faith be something not merely stamped on coins but expressed in our lives. Scripture reminds us, 'For freedom you have set us free.' May we use such a privilege wisely. For you sake, Amen."

The Chair grants leaves of absence for today to Senator Graham and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, July 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Lisa Thompson from Apex, North Carolina, who is serving the Senate as Doctor of the Day, and to Trudie Wilburn from Raeford, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 21, AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS.

H.B. 29, AN ACT TO CLARIFY THE PROCEDURE FOR SATELLITE-BASED MONITORING OF SEX OFFENDERS AND TO MAKE OTHER CHANGES TO THE SEX OFFENDER LAWS.

July 3, 2007

H.B. 244, AN ACT TO PROVIDE FOR EQUITY BETWEEN THE PARTIES WITH RESPECT TO JUROR CHALLENGES IN CIVIL CASES.

H.B. 995, AN ACT TO INCREASE THE PENALTY FOR THE MALICIOUS, INTENTIONAL STARVATION OF AN ANIMAL AND MAKE OTHER CHANGES TO THE ANIMAL CRUELTY STATUTE.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 382, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH AND TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF DALLAS.

H.B. 942, AN ACT AUTHORIZING THE TOWN OF OAK ISLAND TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF THE LOCAL SHARE OF CONSTRUCTING BEACH NOURISHMENT PROJECTS PRIOR TO THE CONSTRUCTION OF THE PROJECTS.

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. 579, AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS ON PUBLIC CONSTRUCTION PROJECTS. (Became law upon ratification, July 2, 2007 - S.L. 2007-158.)

H.B. 564, AN ACT TO ALLOW THE BRUNSWICK COUNTY AND SUNSET BEACH ALCOHOLIC BEVERAGE CONTROL SYSTEMS TO RELOCATE CERTAIN STORES IN SUPPLY AND SUNSET BEACH WITHIN SEVEN MILES OF A MUNICIPALITY WITH EXISTING ABC STORES. (Became law upon ratification, July 2, 2007 - S.L. 2007-159.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 535 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL BACKGROUND REVIEWS FOR CURRENT AND FUTURE EMS PERSONNEL, with a favorable report.

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Upon motion of Senator Hartsell, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

H.B. 1322 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING LOCAL FIRE CHIEFS, COUNTY FIRE MARSHALS, AND LOCAL EMERGENCY SERVICES DIRECTORS WITH THE AUTHORITY TO REQUEST CRIMINAL HISTORIES FROM THE DEPARTMENT OF JUSTICE FOR APPLICANTS TO FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES IN UNITS OF LOCAL GOVERNMENT, with a favorable report.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 183 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE ADDITIONAL TECHNOLOGY OR A MOBILE TELEPHONE TO ENGAGE IN A CALL WHILE OPERATING A PUBLIC OR PRIVATE SCHOOL BUS, WHILE OPERATING A SCHOOL ACTIVITY BUS, OR WHILE PROVIDING CONTRACTED TRANSPORTATION SERVICES FOR A PUBLIC OR PRIVATE SCHOOL IN ANY VEHICLE, 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 50726, which changes the title upon concurrence to read **H.B. 183** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE OR ADDITIONAL TECHNOLOGY WHILE OPERATING A PUBLIC OR PRIVATE SCHOOL BUS, WHILE OPERATING A SCHOOL ACTIVITY BUS, OR WHILE TRANSPORTING STUDENTS FOR HIRE IN ANY VEHICLE, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 9.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 1329, A BILL TO BE ENTITLED AN ACT TO ENACT THE VEHICLE PROTECTION PRODUCT ACT, with a favorable report.

Upon motion of Senator Soles, the bill is re-referred to the **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 18 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MCDOWELL COUNTY TO LEVY AN ADDITIONAL TWO

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PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Hagan, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---42.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 792, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NORTHAMPTON COUNTY TO LEVY A ROOM OCCUPANCY TAX.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 11.

H.B. 638 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF KING AND THE TOWN OF MAIDEN TO ALLOW LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND TO USE GOLF CARTS ON PUBLIC STREETS AND HIGHWAYS, OR ANY PROPERTY OWNED OR LEASED BY THE CITY OR TOWN.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 11.

H.B. 1143 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN STANLY COUNTY.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 11.

H.B. 1197 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF STATESVILLE TO MODIFY THE POWERS AND DUTIES OF THE CIVIL SERVICE BOARD.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 11.

H.B. 226, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCOTLAND COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

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The bill passes its second reading, by roll-call vote, ayes 43, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---43.

Voting in the negative: Senators Brock, East, Forrester, Pittenger and Tillman---5.

Upon motion of Senator Rand, the bill is placed on the Calendar for Monday, July 9, upon third reading.

S.B. 540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS, MOTOR FUELS TAX LAWS, AND RELATED STATUTES.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 10.

H.B. 1549, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ENCUMBERED PROPERTY IS SUBJECT TO EXECUTION UNDER ARTICLE 28 OF CHAPTER 1 OF THE GENERAL STATUTES.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 10.

S.B. 652 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITIES' OVERGROWN VEGETATION ORDINANCES AND ALLOWING THE COMPENSATION OF THE MAYOR AND COUNCIL OF THE CITY OF EDEN TO BE SET UNDER GENERAL LAW, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Albertson, the Senate fails to concur in the House Committee Substitute bill No. 2, (0-48).

Senator Purcell offers a motion that the Senate appoint conferees, which motion prevails.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS), (2) ALLOW RECOVERY OF CERTAIN NONFUEL UTILITY COSTS THROUGH THE FUEL CHARGE ADJUSTMENT

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PROCEDURE, (3) PROVIDE FOR ONGOING REVIEW OF CONSTRUCTION COSTS AND FOR RECOVERY OF COSTS IN RATES IN A GENERAL RATE CASE, (4) ADJUST THE PUBLIC UTILITY AND ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEES, (5) PROVIDE FOR THE PHASEOUT OF THE TAX ON THE SALE OF ENERGY TO NORTH CAROLINA FARMERS AND MANUFACTURERS, (6) PROVIDE AN INCOME TAX CREDIT FOR BUILDERS OF ENERGY-EFFICIENT HOMES, AND (7) ALLOW A TAX CREDIT TO CONTRIBUTORS TO 501(C)(3) ORGANIZATIONS FOR RENEWABLE ENERGY PROPERTY, upon third reading.

Senator Berger of Franklin offers Amendment No. 1 which fails of adoption (6-42).

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: Senators Cowell and Kinnaird---2.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 242 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE PROCESS FOR ADMINISTRATIVE AND JUDICIAL REVIEW OF DISPUTED TAX MATTERS AND TO LIMIT A CORPORATION'S ABILITY TO USE REAL ESTATE INVESTMENT TRUSTS TO AVOID STATE TAXES, upon third reading.

Senator Pittenger offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

H.B. 257 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SALES TAX DEFINITIONS TO COMPLY WITH

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THE STREAMLINED SALES TAX AGREEMENT AND TO MAKE OTHER SALES TAX 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence.

H.B. 401, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY WATER AND SEWER DISTRICTS TO ENGAGE IN INSTALLMENT PURCHASE FINANCING, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor.

H.B. 1132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF A PER DIEM TO PUBLIC HEALTH AUTHORITY BOARDS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITY BOARDS TO ENTER INTO INSTALLMENT CONTRACTS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

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S.B. 1362 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO CLARIFY THE DEFINITION OF DRY-CLEANING SOLVENT, TO AUTHORIZE THE USE OF FUNDS FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR THE INVESTIGATION OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES REASONABLY BELIEVED TO BE CONTAMINATED BY DRY-CLEANING SOLVENT, TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY A PRIVATE CONTRACTOR RETAINED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, TO MODIFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO POTENTIALLY RESPONSIBLE PARTIES, TO AUTHORIZE TEMPORARY RULE MAKING, AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for Monday, July 9, upon third reading.

S.B. 1270 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LARCENY STATUTES AND TO CREATE THE CRIMINAL OFFENSES OF THEFT OF INFANT FORMULA AND ORGANIZED RETAIL THEFT.

The Committee Substitute bill No. 2 passes its second reading (48-0).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, July 9, upon third reading.

S.B. 1527 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS RELATING TO LICENSING OF INSURANCE PRODUCERS AND BAIL BONDSMEN; TO MAKE CHANGES IN THE FEE STRUCTURES FOR AGENTS AND ADJUSTERS; TO AUTHORIZE THE OUTSOURCING OF CERTAIN FUNCTIONS RELATING TO THE ADMINISTRATION OF CONTINUING EDUCATION AND ADMINISTRATIVE PROGRAMS; AND TO MAKE OTHER SUBSTANTIVE CHANGES.

Without objection, Senator Apodaca requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

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The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 27 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A FILM AND PHOTOGRAPHIC PRINT PROCESSOR OR A COMPUTER TECHNICIAN WHO, IN THE PERSON'S SCOPE OF EMPLOYMENT, OBSERVES AN IMAGE OF A MINOR OR A PERSON WHO REASONABLY APPEARS TO BE A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE PERSON REQUESTING THE PROCESSING OF THE FILM OR PHOTOGRAPHS OR IN POSSESSION OF THE COMPUTER TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN OR TO THE APPROPRIATE LOCAL LAW ENFORCEMENT OFFICER.

Upon motion of Senator Boseman, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 676 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM ANNUAL PENSION BENEFIT PAYABLE THROUGH THE REGISTER OF DEEDS' SUPPLEMENTAL PENSION FUND AND TO MAKE OTHER ADJUSTMENTS TO THE FUND.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 27 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A FILM AND PHOTOGRAPHIC PRINT PROCESSOR OR A COMPUTER TECHNICIAN WHO, IN THE PERSON'S SCOPE OF EMPLOYMENT, OBSERVES AN IMAGE OF A MINOR OR A PERSON WHO REASONABLY APPEARS TO BE A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE PERSON REQUESTING THE PROCESSING OF THE FILM OR PHOTOGRAPHS OR IN POSSESSION OF THE COMPUTER TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN OR TO THE APPROPRIATE LOCAL LAW ENFORCEMENT OFFICER, temporarily displaced earlier today.

Senator Boseman offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence.

H.B. 680, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT AND TO REVISE SERVICE REQUIREMENTS TO CONFORM WITH RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

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H.B. 833, A BILL TO BE ENTITLED AN ACT TO RENAME THE FIREMEN'S RELIEF FUND THE FIREFIGHTERS' RELIEF FUND IN RECOGNITION OF THE NUMEROUS FEMALE FIREFIGHTERS WHO SERVE.

Senator McKissick offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 956 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS.

Senator Swindell offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (46-2) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence.

H.B. 973 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MANDATORY HEALTH INSURANCE COVERAGE OF CERTAIN MENTAL ILLNESSES AND TO REQUIRE AT LEAST A MINIMUM BENEFIT PACKAGE FOR OTHER MENTAL ILLNESSES.

The Senate Committee Substitute bill passes its second (36-12) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 1025, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EMPLOYERS TO AMORTIZE THE PAYMENT OF THE COST OF PROBATIONARY EMPLOYMENT FOR MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 11.

H.B. 1086 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CUSTOMER USAGE TRACKING RATE ADJUSTMENT MECHANISMS FOR NATURAL GAS LOCAL DISTRIBUTION COMPANY RATES.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Clodfelter.

H.B. 1338 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE ELECTRICAL CONTRACTORS BOARD TO RAISE THE PROJECT VALUE LIMITS FOR LICENSE CLASSIFICATIONS UNDER THE LAWS REGULATING ELECTRICAL CONTRACTORS AND

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TO RAISE THE PROJECT VALUE LIMITS FOR LICENSE CLASSIFICATIONS UNDER THE LAWS REGULATING GENERAL CONTRACTORS.

Senator McKissick offers Amendment No. 1 which is adopted (46-1).

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.

H.B. 1359, A BILL TO BE ENTITLED AN ACT TO PROVIDE VETERINARIANS WITH IMMUNITY FROM LIABILITY FOR REPORTING ANIMAL CRUELTY.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1369 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE PRESERVATION OF PRESCRIPTION DRUG ORDERS BY PHARMACIES AND TO PERMIT MEDICAL CONSENT AND AUTHORIZATION FORMS TO BE KEPT IN THE SAME ELECTRONIC FORMAT AS OTHER MEDICAL RECORDS.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 1414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW PROVIDING FOR CREDITABLE SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM FOR MEMBERS WHO SERVED IN THE UNIFORMED SERVICES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1415 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE AND TO AMEND THE LAW PROVIDING LONG-TERM DISABILITY BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

Senator Hagan offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence.

H.B. 1640, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON THE USE OF MULTICOLOR PROCESS FOR PUBLICATIONS PUBLISHED AT STATE EXPENSE.

The bill passes its second (44-3) and third readings and is ordered enrolled and sent to the Governor.

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WITHDRAWAL FROM COMMITTEE

S.J.R. 1568, A JOINT RESOLUTION HONORING THE MEMORY OF JULIAN G. WHITENER, FORMER MAYOR OF THE CITY OF HICKORY, ON THE OCCASION OF HICKORY BEING NAMED A 2007 ALL-AMERICA CITY, referred to the **Rules and Operations of the Senate Committee** on July 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, July 16, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, July 16.

S.J.R. 1566, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SENATOR JEANNE HOPKINS LUCAS, referred to the **Rules and Operations of the Senate Committee** on June 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, July 17, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, July 17.

The Chair grants a leave of absence for the remainder of today's session to Senator Jenkins.

CALENDAR *(continued)*

H.B. 642 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW RELATING TO COMMUNITY COLLEGE PERFORMANCE STANDARDS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1567, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GROVER ROBBINS, JR., FOUNDER OF TWEETSIE RAILROAD ON THE THEME PARK'S FIFTIETH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on June 25.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, July 10, 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 Tuesday, July 10.

CALENDAR (*continued*)

S.B. 881 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE THE RESIDENCY REQUIREMENTS FOR LICENSURE UNDER THE LAWS PERTAINING TO BAIL BONDSMEN AND RUNNERS AND TO MAKE OTHER STYLISTIC CHANGES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Berger of Franklin, the Senate concurs in the House Committee Substitute bill (44-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 1086 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN SCHOOL BUILDINGS, IN SCHOOL FACILITIES, ON SCHOOL CAMPUSES, OR AT SCHOOL-RELATED OR SCHOOL-SPONSORED EVENTS, AND IN OR ON OTHER SCHOOL PROPERTY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (40-6) and the bill is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

H.B. 367 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW REGULATING THE SALE OF CERTAIN METALS BY SECONDARY METALS RECYCLERS, TO ADD WIRELESS AND CABLE TELECOMMUNICATIONS EQUIPMENT TO THE STATUTE PROVIDING PENALTIES FOR THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, AND TO INCREASE THE CRIMINAL PENALTIES FOR VIOLATIONS OF THOSE REGULATIONS OF THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60376, which changes the title upon concurrence to read **H.B. 367** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE

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LAW REGULATING THE SALE OF CERTAIN METALS BY SECONDARY METALS RECYCLERS, TO ADD WIRELESS AND CABLE TELECOMMUNICATIONS EQUIPMENT TO THE STATUTE PROVIDING PENALTIES FOR THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, TO INCREASE THE CRIMINAL PENALTIES FOR VIOLATIONS OF THOSE REGULATIONS OF THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, AND TO PROVIDE FOR FORFEITURE OF VEHICLES USED IN FELONIOUS THEFT OF METALS, is adopted and engrossed.

Upon motion of Senator Nesbitt, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 9.

H.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND EXISTING CHILD WELFARE LAWS TO COMPLY WITH FEDERAL LAW AND REGULATIONS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70574, is adopted and engrossed.

Upon motion of Senator Nesbitt, the Senate Committee Substitute bill is placed on the Calendar for Monday, July 9.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 652 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITIES' OVERGROWN VEGETATION ORDINANCES AND ALLOWING THE COMPENSATION OF THE MAYOR AND COUNCIL OF THE CITY OF EDEN TO BE SET UNDER GENERAL LAW.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 652 earlier today and the motion by Senator Purcell to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Purcell, Chair, Senator Berger of Rockingham and Senator Graham as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

WITHDRAWAL FROM COMMITTEE

H.B. 646, A BILL TO BE ENTITLED AN ACT TO MAKE THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM'S DEBT COLLECTION PRACTICES MORE PATIENT FRIENDLY AND TO ASSIST CERTAIN PATIENTS, referred to the **Appropriations/Base Budget Committee** on June 28.

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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 10, 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 10.

PERSONAL PRIVILEGE

Upon motion of Senator Atwater, the remarks of the members about Independence Day are spread upon the journal as follows:

Senator Purcell:

“I would like to share with you just a very brief article that appeared in the *Scosha Village News* and I think it is very appropriate for this day and time. More than a year before the Congress meeting in Philadelphia that brought about the break with the Mother Country, much discontent was stirring in the Colony because of the repressive laws enacted by the British under the leadership of King George. On March 23, 1775, a young lawyer, Patrick Henry, and I know you all are familiar with this, stood before the Virginia Assembly in Richmond and gave an impassionate speech that is said to have galvanized Virginia and the colonies in general into the actions taken more than a year later that resulted in the drafting and adopting of the *Declaration of Independence*. His speech recited a litany of wrongs that he perceived England to have done to the free men of America. He closed it with the immortal words that everybody knows, but I’m going to repeat it in case you have forgotten, ‘... Peace, peace, but there is no peace. The war is actually begun. The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty or give me death!’ As the events that followed showed and have been repeated a number of times and we’ve succeeded in two and two-thirds century, freedom is not free. It has been won time and time again and quite likely, if history is our teacher, will have to be won time and time again.”

Senator Kinnaird:

“On this Fourth of July, the greatness of our Country, I think, is so obvious if we reflect on *The Bill of Rights*. What makes our Country distinguished from every other country is *The Bill of Rights*. If you want to know what is happening in other countries and why it is happening, it is very often because they do not have that *Bill of Rights* that guarantees to the individual over the Government, the individual those rights that are enumerated. Certainly, the First Amendment is the one that is the shining star, but they are all important. But if we think about the First Amendment, ‘The Right of Association, The Right to

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practice Religion, The Right to prohibit the Government from interfering with the practice or establishing Religion, The Right of our Free Press,' we, very often do not like the press because they seem to be digging into things or embarrassing people but if we did not have the press that we have now, we would not have the Country that is as great as we have. Their investigations make us stronger. So it is with great pride that I think of us as being Americans and having our *Bill of Rights* that make us the greatest Country in the world. Thank you."

Senator Queen:

"Two-hundred and thirty-one years ago tomorrow in an Assembly not so different than this, our founding fathers signed their names and pledged their lives, their fortunes and their sacred honor in the *Declaration of Independence*. That document has several very important relations to North Carolina's role in the War for Independence. I've placed on your chairs a group of brochures for historic sites that pertain to North Carolina's role in that War for Independence. One of them that I want to lift up especially to you, because I don't think it is very well known across our State, is an event that happened in Western North Carolina on the frontiers of our State. One of the atrocities of King George identified in the *Declaration of Independence* and I quote, 'He has excited domestic insurrection amongst us and has endeavored to bring on the inhabitation of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.' This was penned on July 4. Within ten days, John Hancock wrote a letter to the Committee of Safety of South Carolina, and I'll quote this. This is from John Hancock. 'The Congress having received information from the State of North Carolina that the Cherokee have committed hostilities against the inhabitation thereof and that the President of that State has thought proper to carry the war immediately into the heart of the enemies' country, I am directed by the Congress to inform you of their request that you will afford all necessary assistance and cooperation with the State of North Carolina in carrying on with vigor the intended expedition that justice may be done for the injuries sustained and peace be established with the savages in that Country.' Again, two-hundred and thirty-one years ago on the frontiers of North Carolina, we had a serious conflict. The Cherokees had allied with the British to stop the Colonials, the Patriots, from fighting for their independence and on our frontiers two-hundred and seventy men who gathered together that summer came to Old Fort in what is called the Rutherford's Expedition. These were all volunteers with their own provisions, their own rifles, their own horses, committing their own time without pay, without really hope for anything very much as the men in that Congress on July 4 had committed their lives and fortunes and sacred honors to defend this Country. This is a very significant act of history that we need to be aware of along with all the others that are in that packet. So I brought those to you just so you will know what our founding fathers did in this State to secure our liberties and our independence. Thank you."

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Senator Basnight:

“That was a fateful day for the white man but was not such a good day for the Indian. We did prevail and all of that started, I guess, on Roanoke Island many years prior to that and we were the conquerors of this new land and we did succeed. A few weeks before July 4, 1776, there was a committee formed and John Adams asked that Thomas Jefferson chair that committee and I believe Sherman and Livingston were also on the committee, as well as Franklin and that committee was to draft a document that would separate us from our Mother Country and from King George and Lord North and their oppressive ways of taxation and their ways of belittling and degrading many of our people much as they had done to Franklin at the House of Commons when he stood there sometime earlier. That document which was presented, I think, on July 2, was never debated by Jefferson and amended eighty plus times, the Preamble that we are all well aware of and Jefferson was not so much a believer in that Preamble, but it was the spoken words that we cherish so much today. On July 2, Adams debated it for a long length of time. It was then passed but he had to read it again, verbatim, in the State House in Pennsylvania. The second time because there was a delegate from Rhode Island who rushed in on his horse at the last minute and there was such a closeness of fear of defeat for our independence that he had to recite it again and he offered the same argument again and Jefferson was sitting quietly aside. Now much of those arguments, and we mentioned *The Bill of Rights* which had nothing to do with independence of that particular day, and the arguments that were set forth and what Jefferson presented in writing because of his abilities did announce that freedom would occur if the separation were to happen. It was because of the Minute Men in Concord and Lexington, the group of farmers of tradesmen that gathered to oppose the British that day, and Paul Revere’s famous ride with the doctor and then the ending such as it was at Bunker Hill, a massacre in Boston, the rallying of the British troops which were to come later and then the formation and the discussion and the discovery that America was in a fight for the lives of not just those people, but the future of what we see today as the freedom in the world and the creation of a Constitution at a later date and then *The Bill of Rights* that assured these freedoms and a Government that could not prevail from one body such as ours and the creation of three distinct legs of that stool that protects us today from becoming the dominate force. So it is a famous day and the creation of the opportunities and the freedoms that we have today in North Carolina are owned by all of us. They are giving us the title of representation through a Republic for a very brief period of time and we are given that partial ownership for a short period of time as we well know to do what is right by the people and for the people.”

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns subject to reading of messages from the House of Representatives, to meet Thursday, July 5, at 12:00 Noon.

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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 3, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to **H.B. 384** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE LAWS PERTAINING TO THE FISCAL OPERATIONS OF THE COMMUNITY COLLEGE SYSTEM.

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 3, 2007

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. 135** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES FOR MOTORCYCLE MANUFACTURERS IN NORTH CAROLINA, and requests conferees.

Speaker Hackney has appointed:

Representative Moore, Chair
Representative Clary
Representative England, and
Representative Cole

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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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:25 P.M.

NINETY-THIRD DAY

Senate Chamber
Thursday, July 5, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Charlie Dannelly, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, we learned as children the verse, 'The earth is the Lord's and the fullness thereof,' and we affirm that truth today. We wouldn't second guess your timing, but we would ask that you bring rain to our beautiful State soon. The drought is hurting crops and the farmers who depend on those crops, The reservoirs are low, water supply shortages are critical in some areas. Hear our prayer Lord. Give us some much needed rain and help us to be stewards of your earth which you created on which we live. Amen."

The Chair grants leaves of absence for today to Senator Goodall and Senator Graham.

Senator Garrou announces that the Journal of Tuesday, July 3, has been examined and is found to be correct. Upon her motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

July 5, 2007

S.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE UNBUNDLING OF VEHICLE LICENSE AND REGISTRATION FEES FROM RENTAL CAR RATES, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Monday, July 9, for concurrence in Senate Amendment No. 1.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Malone for the **State & Local Government Committee**:

H.B. 279, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NORTH TOPSAIL BEACH TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES, with a favorable report.

H.B. 513 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO DETERMINE WHETHER THE COMPETITIVE PROPOSAL METHOD IS APPROPRIATE FOR PUBLIC TRANSIT PURCHASES AND PROVIDING THAT THE CITY MAY LET CONTRACTS FOR THE ACQUISITION OR MAINTENANCE OF TRANSIT EQUIPMENT OR FACILITIES IN THE MANNER PRESCRIBED BY THE FEDERAL GOVERNMENT WHEN THE PROJECT IS FUNDED IN WHOLE OR IN PART WITH FEDERAL FUNDS, with a favorable report.

H.B. 1103, A BILL TO BE ENTITLED AN ACT TO ALLOW CURRITUCK COUNTY TO REDEFINE ITS RESIDENCY DISTRICTS IN 2007 AFTER PUBLIC INPUT, with a favorable report.

H.B. 1120, A BILL TO BE ENTITLED AN ACT REPEALING THE LOCAL MODIFICATION RELATING TO THE DEFINITION OF SUBDIVISION IN PASQUOTANK COUNTY, with a favorable report.

S.B. 181, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65264, which changes the title to read **S.B. 181** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CLAYTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE AND TO ALLOW THE TOWN OF CLAYTON TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE TOWN'S PRIMARY

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CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE TOWN'S SATELLITE CORPORATE LIMITS, is adopted and engrossed.

Upon motion of Senator Malone, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 619, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LOUISBURG TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND AUTHORIZING THE TOWN TO REMOVE OR DEMOLISH THOSE BUILDINGS, 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 50728, which changes the title to read **H.B. 619** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LOUISBURG TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO REMOVE OR DEMOLISH THOSE BUILDINGS, AND TO EXEMPT THE TOWN FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT, is adopted and engrossed.

H.B. 635, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE RANDOLPH COUNTY BOARD OF COMMISSIONERS TO OBTAIN CERTIFIED AUDITS OF VOLUNTEER FIRE DEPARTMENTS THAT RECEIVE AD VALOREM TAXES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10255, which changes the title to read **H.B. 635** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE RANDOLPH COUNTY BOARD OF COMMISSIONERS TO OBTAIN CERTIFIED AUDITS OF VOLUNTEER FIRE DEPARTMENTS, NONPROFIT CORPORATIONS, AND VOLUNTEER ORGANIZATIONS THAT RECEIVE AD VALOREM TAXES, is adopted and engrossed.

H.B. 1176, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE STATE RIGHT-OF-WAY IN TYRRELL 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 30509, is adopted and engrossed.

H.B. 1555, A BILL TO BE ENTITLED AN ACT PROVIDING FOUR-YEAR TERMS FOR ALL APPOINTMENTS TO THE PROPERTY TAX COMMISSION, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30510, is adopted and engrossed.

Upon motion of Senator Hagan, seconded by Senator Malone, the Senate adjourns at 12:14 P.M. to meet Monday, July 9, at 7:00 P.M.

NINETY-FOURTH DAY

Senate Chamber
Monday, July 9, 2007

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 Whitson, First Baptist Church, Indian Trail, North Carolina as follows:

"Heavenly Father, tonight we seek to fulfill our wonderful privilege as your children to approach you and acknowledge your greatness among us. There is none like you. From the foundation of the world you determined that man could have a personal relationship with you. Your word declares that if any lack wisdom we should ask you and you would not withhold it from us but impart it to us lavishly. We confess tonight that we don't have the wisdom for the issues that confront us nationally, regionally, and personally. We need you and your involvement into our affairs. We welcome your voice to speak to the needs that confront us daily. As you speak, we will hear and obey. The men and women in this Assembly have been placed in authority over us to govern our State and to legislate action that is for the betterment of North Carolina. We thank you for setting these great people over us and that you have commissioned us to seek you on their behalf. May we never fail to enlist your power and wisdom to accommodate them and the task that has been assigned. Father, we thank you in advance for interceding on behalf of our great State. May we never steal away or take credit for the accomplishments that come from you. It is you who deserves the honor and glory and we joyfully acknowledge your greatness. In Jesus name, Amen."

The Chair grants leaves of absence for tonight to Senator Allran, Senator Brunstetter and Senator Dorsett.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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.

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The Chair extends privileges of the floor to Dr. Robert J. Albrecht from Pinehurst, North Carolina, who is serving the Senate as Doctor of the Day, and to Gina Cornick from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 1176 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE STATE RIGHT-OF-WAY IN TYRRELL COUNTY.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is re-referred to the **State & Local Government Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 19, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NASH, referred to the **Rules and Operations of the Senate Committee** on February 12.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

S.B. 154, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 14.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable John G. Blackmon, former Senator from Mecklenburg County, and to The Honorable Robert A. Rucho, former Senator from Mecklenburg County.

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ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 881, AN ACT TO DEFINE THE RESIDENCY REQUIREMENTS FOR LICENSURE UNDER THE LAWS PERTAINING TO BAIL BONDSMEN AND RUNNERS AND TO MAKE OTHER STYLISTIC CHANGES.

S.B. 1086, AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN SCHOOL BUILDINGS, IN SCHOOL FACILITIES, ON SCHOOL CAMPUSES, OR AT SCHOOL-RELATED OR SCHOOL-SPONSORED EVENTS, AND IN OR ON OTHER SCHOOL PROPERTY.

H.B. 401, AN ACT TO AUTHORIZE COUNTY WATER AND SEWER DISTRICTS TO ENGAGE IN INSTALLMENT PURCHASE FINANCING.

H.B. 642, AN ACT AMENDING THE LAW RELATING TO COMMUNITY COLLEGE PERFORMANCE STANDARDS.

H.B. 680, AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT AND TO REVISE SERVICE REQUIREMENTS TO CONFORM WITH RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

H.B. 1086, AN ACT AUTHORIZING CUSTOMER USAGE TRACKING RATE ADJUSTMENT MECHANISMS FOR NATURAL GAS LOCAL DISTRIBUTION COMPANY RATES.

H.B. 1132, AN ACT TO AUTHORIZE THE PAYMENT OF A PER DIEM TO PUBLIC HEALTH AUTHORITY BOARDS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITY BOARDS TO ENTER INTO INSTALLMENT CONTRACTS.

H.B. 1359, AN ACT TO PROVIDE VETERINARIANS WITH IMMUNITY FROM LIABILITY FOR REPORTING ANIMAL CRUELTY.

H.B. 1414, AN ACT TO REVISE THE LAW PROVIDING FOR CREDITABLE SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM FOR MEMBERS WHO SERVED IN THE UNIFORMED SERVICES.

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H.B. 1640, AN ACT TO REPEAL THE PROHIBITION ON THE USE OF MULTICOLOR PROCESS FOR PUBLICATIONS PUBLISHED AT STATE EXPENSE.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 427, AN ACT AUTHORIZING THE TOWNS OF AYDEN AND BURGAW TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 382, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF SUNSET BEACH AND TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF DALLAS. (Became law upon ratification, July 3, 2007 - S.L. 2007-160.)

H.B. 942, AN ACT AUTHORIZING THE TOWN OF OAK ISLAND TO LEVY SPECIAL ASSESSMENTS TO MEET THE COST OF THE LOCAL SHARE OF CONSTRUCTING BEACH NOURISHMENT PROJECTS PRIOR TO THE CONSTRUCTION OF THE PROJECTS. (Became law upon ratification, July 3, 2007 - S.L. 2007-161.)

S.B. 930, AN ACT TO REVISE THE LAW GRANTING AUTHORITY TO PRIVATE CORRECTIONAL OFFICERS EMPLOYED PURSUANT TO A CONTRACT WITH THE FEDERAL BUREAU OF PRISONS. (Became law upon approval of the Governor, July 4, 2007 - S.L. 2007-162.)

H.B. 817, AN ACT TO ENACT THE NORTH CAROLINA RESIDENTIAL MORTGAGE FRAUD ACT. (Became law upon approval of the Governor, July 4, 2007 - S.L. 2007-163.)

S.B. 830, AN ACT TO DEVELOP PERFORMANCE STANDARDS FOR THE DEPARTMENT OF TRANSPORTATION AND TO MODIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS. (Became law upon approval of the Governor, July 4, 2007 - S.L. 2007-164.)

S.B. 1290, AN ACT TO ALLOW EARLIER CONDITIONAL RESTORATION OF A DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR THE USE OF CONTINUOUS

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ALCOHOL MONITORING SYSTEMS TO BE USED TO MONITOR INDIVIDUALS WHO HAVE BEEN SENTENCED FOR DWI CONVICTIONS OR AS NECESSARY BY THE COURTS TO ENSURE COMPLIANCE WITH CONDITIONS OF RELEASE, PROBATION, OR PAROLE. (Became law upon approval of the Governor, July 4, 2007 - S.L. 2007-165.)

H.B. 583, AN ACT TO MODIFY THE REQUIREMENTS FOR PARTICIPATION IN A COMMUNITY COLLEGE LATERAL ENTRY PROGRAM. (Became law upon approval of the Governor, July 4, 2007 - S.L. 2007-166.)

H.B. 824, AN ACT TO AMEND THE GENDER EQUITY REPORTING STATUTE. (Became law upon approval of the Governor, July 4, 2007 - S.L. 2007-167.)

H.B. 1479, AN ACT TO PROVIDE PROCEDURES AND SANCTIONS TO ADDRESS CONTEMPT BY JUVENILES. (Became law upon approval of the Governor, July 4, 2007 - S.L. 2007-168.)

S.B. 487, AN ACT TO EXTEND THE REPORTING DEADLINE FOR THE STATE AND LOCAL FISCAL MODERNIZATION STUDY COMMISSION, AND TO TEMPORARILY PROVIDE FOR THE MEMBERSHIP OF THE BOARD OF AWARDS. (Became law upon approval of the Governor, July 4, 2007 - S.L. 2007-169.)

S.B. 1055, AN ACT TO REQUIRE REBATES TO BE MAILED TO CONSUMERS WITHIN A CERTAIN TIME FRAME AND TO REQUIRE THE DISCLOSURE OF THE TERMS OF THE REBATE OFFERS. (Became law upon approval of the Governor, July 4, 2007 - S.L. 2007-170.)

H.B. 590, AN ACT TO LIMIT THE LIABILITY OF ANIMAL EXHIBITIONS AT AGRICULTURAL FAIRS. (Became law upon approval of the Governor, July 4, 2007 - S.L. 2007-171.)

S.B. 17, AN ACT TO AMEND THE PRETRIAL RELEASE REQUIREMENTS FOR SEX OFFENDERS. (Became law upon approval of the Governor, July 4, 2007 - S.L. 2007-172.)

H.B. 150, AN ACT FOR MODIFYING THE SCHOOL ADMISSION REQUIREMENTS TO ENSURE THAT EVERY CHILD IS READY TO ENTER KINDERGARTEN AND THEREBY REDUCE STUDENT DROPOUT RATES IN LATER GRADES. (Became law upon approval of the Governor, July 4, 2007 - S.L. 2007-173.)

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H.B. 1449, AN ACT TO PROVIDE FOR FOUR-YEAR TERMS FOR THE MEMBERS OF THE NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS COMMISSION. (Became law upon approval of the Governor, July 5, 2007 - S.L. 2007-174.)

H.B. 1634, AN ACT TO ESTABLISH CUSTODY, VISITATION, EXPEDITED HEARING, AND ELECTRONIC COMMUNICATIONS PROCEDURES WHEN A PARENT RECEIVES MILITARY TEMPORARY DUTY, DEPLOYMENT, OR MOBILIZATION ORDERS. (Became law upon approval of the Governor, July 5, 2007 - S.L. 2007-175.)

H.B. 313, AN ACT TO REQUIRE THAT SETTLEMENT AGENTS INCLUDE THE IDENTITY OF THE LOAN ORIGINATOR ON THE DEED OF TRUST, AND THAT LENDERS INCLUDE INFORMATION REGARDING THE LOAN ORIGINATION IN THE LOAN CLOSING INSTRUCTIONS. (Became law upon approval of the Governor, July 5, 2007 - S.L. 2007-176.)

H.B. 625, AN ACT TO RENAME MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES AND TO MAKE OTHER CONFORMING AND STATUTORY CHANGES. (Became law upon approval of the Governor, July 5, 2007 - S.L. 2007-177.)

H.B. 1354, AN ACT TO CREATE A MOTOR VEHICLE CHOP SHOP LAW REGARDING THE RECEIVING, POSSESSION, AND DISTRIBUTION OF STOLEN OR ALTERED MOTOR VEHICLES AND MOTOR VEHICLE PARTS. (Became law upon approval of the Governor, July 5, 2007 - S.L. 2007-178.)

S.B. 659, AN ACT TO PROVIDE THAT ELECTED OFFICIALS WHO ARE MEMBERS OF THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, OR THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM SHALL FORFEIT THEIR PENSIONS UPON CONVICTION OF A STATE OR FEDERAL OFFENSE INVOLVING PUBLIC CORRUPTION OR A FELONY VIOLATION OF ELECTION LAWS. (Became law upon approval of the Governor, July 5, 2007 - S.L. 2007-179.)

S.B. 1424, AN ACT TO ALLOW EARTHDOG TRIALS. (Became law upon approval of the Governor, July 5, 2007 - S.L. 2007-180.)

S.B. 21, AN ACT TO CLARIFY THAT THE STATUTE PROHIBITING DOG FIGHTING AND BAITING DOES NOT APPLY TO THE USE OF HERDING DOGS WORKING WITH DOMESTICATED LIVESTOCK. (Became law upon approval of the Governor, July 5, 2007 - S.L. 2007-181.)

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H.B. 720, AN ACT TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE COMMISSION FOR HEALTH SERVICES TO BETTER REFLECT THE FUNCTIONS AND DUTIES PERFORMED BY THE DIVISION AND THE COMMISSION. (Became law upon approval of the Governor, July 5, 2007 - S.L. 2007-182.)

H.B. 786, AN ACT TO ENSURE DISTRICT ATTORNEYS RECEIVE ALL NECESSARY INFORMATION FROM LAW ENFORCEMENT AGENCIES AS RECOMMENDED BY THE HOUSE INTERIM STUDY COMMITTEE ON CAPITAL PUNISHMENT. (Became law upon approval of the Governor, July 5, 2007 - S.L. 2007-183.)

H.B. 765, AN ACT TO UPDATE THE LAW REGARDING TESTAMENTARY ADDITIONS TO TRUSTS, AND TO CODIFY THE DOCTRINES OF INCORPORATION BY REFERENCE AND ACTS OF INDEPENDENT SIGNIFICANCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 5, 2007 - S.L. 2007-184.)

H.B. 1370, AN ACT TO CLARIFY THAT THE HIGH-UNIT-COST THRESHOLD DOES NOT APPLY TO PLANNING GRANTS AND TECHNICAL ASSISTANCE GRANTS MADE BY THE CLEAN WATER MANAGEMENT TRUST FUND FOR WASTEWATER COLLECTION SYSTEMS AND WASTEWATER TREATMENT WORKS. (Became law upon approval of the Governor, July 5, 2007 - S.L. 2007-185.)

H.B. 1464, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT RULES PROVIDING FOR EXCUSED ABSENCES FROM SCHOOL FOR LEGISLATIVE AND GOVERNOR'S PAGES. (Became law upon approval of the Governor, July 7, 2007 - S.L. 2007-186.)

S.B. 583, AN ACT TO MAKE CLARIFYING AND OTHER CHANGES IN THE PUBLIC HEALTH LAW RELATED TO THE MEDICAL EXAMINER SYSTEM, INJURY CONTROL EFFORTS, TIMELINESS OF REPORTS BY SCHOOLS REGARDING IMMUNIZATIONS, AND THE CREATION, EXTENSION, AND DISSOLUTION OF SANITARY DISTRICTS. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-187.)

H.B. 554, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR ASSAULT ON A PATIENT IN A HEALTH CARE FACILITY OR RESIDENT OF A RESIDENTIAL CARE FACILITY WHEN THE CONDUCT EVINCES A PATTERN OF BEHAVIOR, IS WILLFUL OR CULPABLY NEGLIGENT, AND CAUSES BODILY INJURY TO THE PATIENT OR RESIDENT. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-188.)

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H.B. 584, AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES, AND TO CHANGE THE MEMBERSHIP OF THE INFORMATION TECHNOLOGY ADVISORY BOARD. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-189.)

H.B. 47, AN ACT TO CREATE A FELONY OFFENSE FOR PERSONS WHO KNOWINGLY VIOLATE A DOMESTIC VIOLENCE PROTECTIVE ORDER WHILE ARMED WITH A DEADLY WEAPON AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-190.)

S.B. 812, AN ACT TO DIRECT THE CHILD FATALITY TASK FORCE TO STUDY ISSUES RELATING TO REQUIRING THE INSTALLATION AND USE OF PASSENGER SAFETY RESTRAINT SYSTEMS ON SCHOOL BUSES. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-191.)

H.B. 550, AN ACT TO MODIFY THE LAW PERTAINING TO THE CONFIDENTIALITY OF SCHOOL PERSONNEL FILES. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-192.)

H.B. 24, AN ACT TO PROTECT THE PUBLIC FROM THE HEALTH RISKS OF SECONDHAND SMOKE BY PROHIBITING SMOKING IN BUILDINGS OWNED, LEASED, OR OCCUPIED BY STATE GOVERNMENT; AND TO AUTHORIZE LOCAL GOVERNMENTS TO REGULATE SMOKING IN BUILDINGS AND TRANSPORTATION VEHICLES OWNED, LEASED, OR OCCUPIED BY LOCAL GOVERNMENT AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-193.)

S.B. 738, AN ACT TO EXEMPT FOR-HIRE VEHICLES USED FOR CERTAIN AGRICULTURAL PURPOSES FROM THE VEHICLE REGISTRATION REQUIREMENTS, TO INCREASE THE ALLOWED LENGTH OF TRUCKS THAT TRANSPORT COTTON, AND TO CLARIFY THAT FARM EQUIPMENT INCLUDES TRUCKS THAT TRANSPORT COTTON. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-194.)

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H.B. 847, AN ACT CLARIFYING THAT EMPLOYEES OF THE NORTH CAROLINA COOPERATIVE EXTENSION SERVICE ARE EXEMPT FROM THE STATE PERSONNEL ACT. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-195.)

H.B. 1347, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO MAKE A FALSE REPORT CONCERNING A THREAT OF MASS VIOLENCE ON EDUCATIONAL PROPERTY. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-196.)

H.B. 581, AN ACT TO MODIFY THE LAW REGARDING MEETINGS OF COMMUNITY COLLEGE TRUSTEES. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-197.)

H.B. 701, AN ACT TO EXEMPT LICENSEES WHO ARE IN ACTIVE PRACTICE AS COSMETOLOGISTS AND HAVE TWENTY CONSECUTIVE YEARS OF EXPERIENCE FROM CONTINUING EDUCATION REQUIREMENTS. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-198.)

H.B. 1482, AN ACT AMENDING CERTAIN DEFINITIONS UNDER THE LAWS PERTAINING TO CIVIL NO-CONTACT ORDERS. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-199.)

H.B. 1487, AN ACT TO CLARIFY ACTIVE MEMBERSHIP IN THE STATE BAR AND ALLOW INACTIVE LAWYERS TO PROVIDE PRO BONO LEGAL SERVICES, TO MODIFY THE NUMBER OF MEMBERS ON THE STATE BAR COUNCIL TO EQUAL THE NUMBER OF JUDICIAL DISTRICTS PLUS SIXTEEN, TO ALLOW LAW STUDENTS TO ACT AS LEGAL INTERNS FOR GOVERNMENT AGENCIES AND OUT-OF-STATE LAWYERS TO PROVIDE PRO BONO LEGAL SERVICES, AND TO REQUIRE THAT AN OUT-OF-STATE LAWYER FILE A REGISTRATION STATEMENT WITH THE STATE BAR. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-200.)

S.B. 167, AN ACT TO MAKE THE LEGISLATIVE INTERN PROGRAM AVAILABLE TO STUDENTS ENROLLED IN COMMUNITY COLLEGES THAT OFFER COLLEGE TRANSFER PROGRAMS AS WELL AS TO STUDENTS ENROLLED IN FOUR YEAR COLLEGES AND UNIVERSITIES. (Became law upon approval of the Governor, July 8, 2007 - S.L. 2007-201.)

CALENDAR *(continued)*

H.B. 226, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCOTLAND COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

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The bill passes its third reading, by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: Senators Brock, Forrester and Pittenger---3.

The bill is ordered enrolled.

H.B. 279, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NORTH TOPSAIL BEACH TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

The bill passes its second and third readings and is ordered enrolled.

H.B. 513 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO DETERMINE WHETHER THE COMPETITIVE PROPOSAL METHOD IS APPROPRIATE FOR PUBLIC TRANSIT PURCHASES AND PROVIDING THAT THE CITY MAY LET CONTRACTS FOR THE ACQUISITION OR MAINTENANCE OF TRANSIT EQUIPMENT OR FACILITIES IN THE MANNER PRESCRIBED BY THE FEDERAL GOVERNMENT WHEN THE PROJECT IS FUNDED IN WHOLE OR IN PART WITH FEDERAL FUNDS.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 619 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LOUISBURG TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO REMOVE OR DEMOLISH THOSE BUILDINGS, AND TO EXEMPT THE TOWN FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 635 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE RANDOLPH COUNTY BOARD OF COMMISSIONERS TO OBTAIN CERTIFIED AUDITS OF VOLUNTEER FIRE DEPARTMENTS, NONPROFIT CORPORATIONS, AND VOLUNTEER ORGANIZATIONS THAT RECEIVE AD VALOREM TAXES.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence.

July 9, 2007

H.B. 1103, A BILL TO BE ENTITLED AN ACT TO ALLOW CURRITUCK COUNTY TO REDEFINE ITS RESIDENCY DISTRICTS IN 2007 AFTER PUBLIC INPUT.

The bill passes its second and third readings and is ordered enrolled.

H.B. 1120, A BILL TO BE ENTITLED AN ACT REPEALING THE LOCAL MODIFICATION RELATING TO THE DEFINITION OF SUBDIVISION IN PASQUOTANK COUNTY.

The bill passes its second and third readings and is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

H.B. 535 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL BACKGROUND REVIEWS FOR CURRENT AND FUTURE EMS PERSONNEL, re-referred to the **Finance Committee** on July 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Finance 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 **Finance Committee** and re-refers the measure to the **Judiciary II Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 334, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE FAIR HOUSING ACT TO PROHIBIT DISCRIMINATION ON THE BASIS OF RECEIPT OF HOUSING ASSISTANCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35407, which changes the title to read **S.B. 334** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE STATE FAIR HOUSING ACT TO PROHIBIT DISCRIMINATION ON THE BASIS OF RECEIPT OF HOUSING ASSISTANCE AND TO APPROPRIATE FUNDS TO THE NORTH CAROLINA HUMAN RELATIONS COMMISSION TO ADMINISTER THIS ACT, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

S.B. 1362 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO

July 9, 2007

CLARIFY THE DEFINITION OF DRY-CLEANING SOLVENT, TO AUTHORIZE THE USE OF FUNDS FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR THE INVESTIGATION OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES REASONABLY BELIEVED TO BE CONTAMINATED BY DRY-CLEANING SOLVENT, TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY A PRIVATE CONTRACTOR RETAINED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, TO MODIFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO POTENTIALLY RESPONSIBLE PARTIES, TO AUTHORIZE TEMPORARY RULE MAKING, AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

H.B. 183 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE OR ADDITIONAL TECHNOLOGY WHILE OPERATING A PUBLIC OR PRIVATE SCHOOL BUS, WHILE OPERATING A SCHOOL ACTIVITY BUS, OR WHILE TRANSPORTING STUDENTS FOR HIRE IN ANY VEHICLE.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 367 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW REGULATING THE SALE OF CERTAIN METALS BY SECONDARY METALS RECYCLERS, TO ADD WIRELESS AND CABLE TELECOMMUNICATIONS EQUIPMENT TO THE STATUTE PROVIDING PENALTIES FOR THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, TO INCREASE THE CRIMINAL PENALTIES FOR VIOLATIONS OF THOSE REGULATIONS OF THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, AND TO PROVIDE FOR FORFEITURE OF VEHICLES USED IN FELONIOUS THEFT OF METALS.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence.

July 9, 2007

H.B. 698 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND EXISTING CHILD WELFARE LAWS TO COMPLY WITH FEDERAL LAW AND REGULATIONS.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 1555 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOUR-YEAR TERMS FOR ALL APPOINTMENTS TO THE PROPERTY TAX COMMISSION.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence.

S.B. 1270 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LARCENY STATUTES AND TO CREATE THE CRIMINAL OFFENSES OF THEFT OF INFANT FORMULA AND ORGANIZED RETAIL THEFT.

Senator Snow offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill No. 2, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 1118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE UNBUNDLING OF VEHICLE LICENSE AND REGISTRATION FEES FROM RENTAL CAR RATES, for concurrence in House Amendment No. 1.

Upon motion of Senator Hagan, the Senate concurs in House Amendment No. 1 (47-0) and the bill is ordered enrolled and sent to the Governor.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Zoe Bennett, Pinehurst; Rachel Bradley, Greensboro; Brooke Burleson, Lumberton; Maddie Chandler, Burlington; Lauren Cloninger, Cherryville; Kathryn Daniel, Blanch; Marah Davis, Cherryville; Chelsea Flynt, Greenville; Zach Fountain, Cary; Kirby Frennea, Winston-Salem; Randy Griggs, Raleigh; Mary Rebecca Harakas, Gastonia; Thomas Kenna, Jr., Raleigh; Hannah Leonard, Tabor City; Katie McPherson, Gibsonville; George Moore, Winston-Salem; Allie Morris, Winston-Salem; Beau Rowe, Hickory; Kelsey Sabo, Hendersonville; Lucy Brown Spencer, Gastonia; Eric Starling, Cherryville; Houston Stokes, Denver; Hailey Sumner, Lumberton; Becca Thompson, Goldsboro; Jacob Tobia, Cary; Anne Traister, Fletcher; Stephanie Vaughn, Elon; Danielle Weigel, Statesville; Donovan Wells, Raleigh; Olivia Whitt, Clayton; and Virginia Yarboro, Goldsboro.

July 9, 2007

MESSAGE FROM THE GOVERNOR

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER·RALEIGH, NC 27699-0301**

MICHAEL F. EASLEY
GOVERNOR

July 2, 2007

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute § 135-6, I hereby reappoint Ms. Shirley East Harris and Ms. Joyce H. Elliott to the North Carolina Teachers' and State Employees' Retirement System Board of Trustees and submit their names for confirmation by the North Carolina Senate. Their terms are effective immediately pending confirmation. The term of Ms. Shirley East Harris will expire on March 31, 2011. The term of Ms. Joyce H. Elliott will expire on June 30, 2011.

Enclosed is biographical information on these individuals. If further information is needed or desired, please feel free to call on them or contact Sara A. Kusan, Director of Boards and Commissions, at (919) 715-0966.

With kindest regards, I remain

Very truly yours,
S/ Michael F. Easley

MFE: as

Enclosures

cc: The Honorable Beverly Perdue
The Honorable Marc Basnight

Referred to the **Pensions & Retirement and Aging Committee.**

July 9, 2007

MESSAGE FROM THE GOVERNOR

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER·RALEIGH, NC 27699-0301**

MICHAEL F. EASLEY
GOVERNOR

July 6, 2007

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute § 106-2, I hereby reappoint Mr. C. Osmond Kearney, Jr. to the North Carolina State Board of Agriculture and submit his name for confirmation by the North Carolina Senate. Mr. Kearney's term will be effective immediately pending confirmation. His term will expire on May 1, 2013.

Enclosed is biographical information on this individual. If further information is needed or desired, please feel free to call on him or contact Sara A. Kusan, Director of Boards and Commissions, at (919) 715-0966.

With kindest regards, I remain

Very truly yours,
S/ Michael F. Easley

MFE: as

Enclosure

cc: The Honorable Beverly Perdue
The Honorable Marc Basnight

Referred to the **Agriculture/Environment/Natural Resources Committee.**

July 9, 2007

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 426 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF AYDEN, CORNELIUS, DAVIDSON, HUNTERSVILLE, AND SPRING LAKE AND THE CITIES OF EDEN, GREENSBORO, HIGH POINT, AND REIDSVILLE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 10, for concurrence.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.J.R. 2059 (Committee Substitute), A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BRIDGETON ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

The joint resolution passes its second reading (44-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Preston, the Chair extends courtesies of the gallery to The Honorable Charles Freeman, Mayor Pro Tempore of the Town of Bridgeton; Mary Spano and Edwina Rooker, Bridgeton Town Commissioners.

H.J.R. 2061, A JOINT RESOLUTION HONORING THE MEMORY OF RICHARD CLINTON FOR WHOM THE CITY OF CLINTON IS NAMED AND RECOGNIZING THE CITY ON BEING NAMED A 2007 ALL-AMERICA CITY.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

The joint resolution passes its second reading (42-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Albertson, the Chair extends the courtesies of the gallery to the following guests from the Town of Clinton: The Honorable Lew Starling, Mayor; The Honorable Maxine Harris, Mayor Pro Tempore; Neal Strickland, Steve Stefanovich, Jean Turlington and Marcus Becton, City Council Members; All American City Steering Committee: Gloria Edwards, Chairman; Patty Cherry, Vice Chairman; Bill Aiken, Dale Johnson, Willie Bowden, Gene

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Hales, Joel Rose, Sherry Matthews, Susie Bauman, Dee Bryant, Susan Bristow, Jeff Shipp, Tommy Newton, Larry Chewning, Bill Scott, Chuck Spell, John Connett, City Manager; and Betty Fortner, City Clerk.

Upon motion of Senator Basnight, seconded by Senator McKissick, the Senate adjourns subject to reading of messages from the House of Representatives and messages from the Governor, to meet Tuesday, July 10, at 3:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 9, 2007

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 2 for **S.B. 652**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITIES' OVERGROWN VEGETATION ORDINANCES AND ALLOWING THE COMPENSATION OF THE MAYOR AND COUNCIL OF THE CITY OF EDEN TO BE SET UNDER GENERAL LAW, and requests conferees, Speaker Hackney appoints:

Representative Goodwin, Chair
Representative Cole, 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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

July 9, 2007

House of Representatives
July 9, 2007

Madame President:

Pursuant to the message from the House of Representatives on Tuesday, July 3, 2007, informing the Senate that the House of Representatives failed to concur in the Senate Amendment to **H.B. 384** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE LAWS PERTAINING TO THE FISCAL OPERATIONS OF THE COMMUNITY COLLEGE SYSTEM, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives requests conferees.

Speaker Hackney has appointed:

Representative Tolson, Chair
Representative Wilkins
Representative Wray, and
Representative Johnson

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 7:52 P.M.

NINETY-FIFTH DAY

Senate Chamber
Tuesday, July 10, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, we stand amazed that you have called people like us to do work like yours. We know our limits and we know the broad scope of your work. And yet, if your work is to be done in this world, it is up to us to step up to your call,

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to confirm your confidence in us and to serve as best we can. Sometimes we question your judgment in entrusting so great a work to people like us. But who are we to argue with your calling? Give the members here what they need to do the work before them this week, work you have called them to do. Amen."

The Chair grants leaves of absence for today to Senator Dorsett and Senator East.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, July 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Kim Kennedy from North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 445 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHILD PLACEMENT AGENCIES TO ACT AS CONFIDENTIAL INTERMEDIARIES BETWEEN ADULT ADOPTEES, AN ADULT LINEAL DESCENDANT OF A DECEASED ADOPTEE, AND A BIOLOGICAL PARENT, with a favorable report.

H.B. 535 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL BACKGROUND REVIEWS FOR CURRENT AND FUTURE EMS PERSONNEL, 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 50731, is adopted and engrossed.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is referred to the **Finance Committee**.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 530 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING HARNETT COUNTY TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT EXPANSION PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, with a favorable report.

July 10, 2007

H.B. 1724 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, TO REDESIGNATE ELK KNOB STATE NATURAL AREA AS ELK KNOB STATE PARK, AND TO REDESIGNATE DISMAL SWAMP STATE NATURAL AREA AS DISMAL SWAMP STATE PARK, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 426 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF AYDEN, CORNELIUS, DAVIDSON, HUNTERSVILLE, AND SPRING LAKE AND THE CITIES OF EDEN, GREENSBORO, HIGH POINT, AND REIDSVILLE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled.

S.B. 540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS, MOTOR FUELS TAX LAWS, AND RELATED STATUTES, upon second reading.

Senator Hartsell offers Amendment No. 1 which is adopted (46-0).

The amendment is ruled to be material, which constitutes first reading.

The Committee Substitute bill, as amended, is placed on the Calendar for Wednesday, July 11, upon second reading.

S.J.R. 1567, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GROVER ROBBINS, JR., FOUNDER OF TWEETSIE RAILROAD ON THE THEME PARK'S FIFTIETH ANNIVERSARY.

Upon motion of Senator Goss, the joint resolution is read in its entirety.

The joint resolution passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 1118, AN ACT TO ALLOW THE UNBUNDLING OF VEHICLE LICENSE AND REGISTRATION FEES FROM RENTAL CAR RATES.

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The Enrolling Clerk reports the following bills and joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 226, AN ACT TO AUTHORIZE SCOTLAND COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

H.B. 279, AN ACT TO ALLOW THE TOWN OF NORTH TOPSAIL BEACH TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

H.B. 513, AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO DETERMINE WHETHER THE COMPETITIVE PROPOSAL METHOD IS APPROPRIATE FOR PUBLIC TRANSIT PURCHASES AND PROVIDING THAT THE CITY MAY LET CONTRACTS FOR THE ACQUISITION OR MAINTENANCE OF TRANSIT EQUIPMENT OR FACILITIES IN THE MANNER PRESCRIBED BY THE FEDERAL GOVERNMENT WHEN THE PROJECT IS FUNDED IN WHOLE OR IN PART WITH FEDERAL FUNDS.

H.B. 1103, AN ACT TO ALLOW CURRITUCK COUNTY TO REDEFINE ITS RESIDENCY DISTRICTS IN 2007 AFTER PUBLIC INPUT.

H.B. 1120, AN ACT REPEALING THE LOCAL MODIFICATION RELATING TO THE DEFINITION OF SUBDIVISION IN PASQUOTANK COUNTY.

H.J.R. 2059, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BRIDGETON ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY. (Res. 53)

H.J.R. 2061, A JOINT RESOLUTION HONORING THE MEMORY OF RICHARD CLINTON FOR WHOM THE CITY OF CLINTON IS NAMED AND RECOGNIZING THE CITY ON BEING NAMED A 2007 ALL-AMERICA CITY. (Res. 54)

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. 427, AN ACT AUTHORIZING THE TOWNS OF AYDEN AND BURGAW TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS. (Became law upon ratification, July 9, 2007 - S.L. 2007-202.)

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WITHDRAWAL FROM CLERK'S OFFICE

H.B. 1402, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF TRANSPORTATION TO CONSULT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS BEFORE BEGINNING THE DESIGN OR CONSTRUCTION OF NEW WELCOME CENTER BUILDINGS, ordered held in the Office of the Principal Clerk on May 24, pending referral to committee.

Senator Rand announces the referral of the bill to the **Commerce, Small Business and Entrepreneurship Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 349, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW ALLOWING THE STATE BOARD OF EDUCATION TO REMOVE LOCAL SCHOOL BOARD MEMBERS, referred to the **Education/Public Instruction Committee** on May 16.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Education/Public Instruction Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Public Instruction Committee** and re-refers the measure to the **Judiciary I Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 588, A BILL TO BE ENTITLED AN ACT TO UPDATE AND IMPROVE LAWS COVERING UNAUTHORIZED INSURERS, 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 70577, is adopted and engrossed.

H.B. 735 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DENY STATE PROPERTY FIRE INSURANCE FUND COVERAGE FOR LOSSES INCURRED BY STATE AGENCIES THAT HAVE NOT SUBMITTED BUILDING CONSTRUCTION PLANS TO THE COMMISSIONER OF INSURANCE FOR APPROVAL, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

July 10, 2007

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10258, which changes the title upon concurrence to read **H.B. 735** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE THE CONSTRUCTION PLAN REVIEW PROCESS FOR CERTAIN PUBLIC BUILDINGS, AS REQUESTED BY THE HOUSE SELECT COMMITTEE ON PUBLIC SCHOOL CONSTRUCTION, is adopted and engrossed.

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 1358, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA STREET GANG PREVENTION 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 85347, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

Upon motion of Senator Nesbitt, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1536 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF DEALERS OF LIQUEFIED PETROLEUM GAS AND THEIR EMPLOYEES, AGENTS, AND SUBCONTRACTORS UNDER CERTAIN SPECIFIED CIRCUMSTANCES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50734, is adopted and engrossed.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 91** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES, 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 91, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES, Senate Select Committee on Government and Election Reform Committee Substitute Adopted 6/4/07, Fourth Edition Engrossed 6/20/07, submit the following report:

The House concurs in the Senate Select Committee on Government and

July 10, 2007

Election Reform Committee Substitute Adopted 6/4/07, Fourth Edition
Engrossed 6/20/07 with amendments as follows:

(1) On page 2, delete lines 1-3.

(2) On page 3, rewrite lines 3-9 to read:

"SECTION 5. Sections 1, 2, and 3 of this act become effective as follows:

- (1) If preclearance under Section 5 of the Voting Rights Act of 1965 is obtained before September 1, 2007, those sections are effective with regard to registration and voting for any primary or election held on or after October 9, 2007.
- (2) If preclearance is obtained during September 2007, those sections are effective with regard to registration and voting for any primary or election held on or after November 6, 2007.
- (3) If preclearance is obtained on or after October 1, 2007, those sections are effective with regard to registration and voting for any primary or election held on or after the 60th day after preclearance is obtained.

The remainder of this act is effective when it becomes law. The State Board of Elections may adopt any necessary procedures to implement this act at any time after this act becomes law."

The Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 9, 2007.

Conferees for the Senate

Conferees for the House of Representatives

S/Daniel G. Clodfelter, Chair

S/Deborah K. Ross, Chair

S/Tony Rand

S/Earline W. Parmon

S/Richard Stevens

S/Joe P. Tolson

S/Hugh Holliman

S/Carolyn H. Justice

Daniel F. McComas

The Conference Report is placed on the Calendar for Wednesday, July 11, for adoption.

CALENDAR *(continued)*

H.B. 646, A BILL TO BE ENTITLED AN ACT TO MAKE THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM'S DEBT COLLECTION PRACTICES MORE PATIENT FRIENDLY AND TO ASSIST CERTAIN PATIENTS.

July 10, 2007

Senator Stevens offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1549, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ENCUMBERED PROPERTY IS SUBJECT TO EXECUTION UNDER ARTICLE 28 OF CHAPTER 1 OF THE GENERAL STATUTES.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 135 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DEALER PLATES WITH A SYMBOL NOTING THAT THE HOLDER IS A MANUFACTURER, TO EXEMPT MANUFACTURERS FROM THE RESTRICTIONS ON THE NUMBER OF DEALER PLATES THAT MAY BE ISSUED TO THEM, AND TO CLARIFY THAT THE DIVISION MAY ISSUE A DEALER PLATE IN A SUITABLY REDUCED SIZE FOR MOTORCYCLE DEALERS AND MANUFACTURERS.

Pursuant to the message from the House of Representatives received July 3 that the House fails to concur in the Senate Committee Substitute bill for H. B. 135 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Dalton, Chair, Senator Atwater 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 Jacumin requests to be added as a sponsor of previously introduced legislation:

S.J.R. 1568, A JOINT RESOLUTION HONORING THE MEMORY OF JULIAN G. WHITENER, FORMER MAYOR OF THE CITY OF HICKORY, ON THE OCCASION OF HICKORY BEING NAMED A 2007 ALL-AMERICA CITY.

Upon motion of Senator Basnight, seconded by Senator Jenkins, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet Wednesday, July 11, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

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S.B. 60 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO AS SOON AS PRACTICABLE DESIGNATE A TEMPORARY LOCATION FOR REGISTRATION DOCUMENT AND PLATE ACQUISITION WHEN CLOSING THE ONLY CONTRACT LICENSE PLATE AGENCY IN A COUNTY, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, July 11, for concurrence.

S.B. 1287 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE OFFICE OF INDIGENT DEFENSE SERVICES OF THE JUDICIAL DEPARTMENT MAY HAVE ACCESS TO SOCIAL SECURITY INFORMATION SUBMITTED AS PART OF AN APPLICATION FOR A DRIVERS LICENSE AND KEPT ON FILE AT THE DIVISION OF MOTOR VEHICLES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 11, for concurrence.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 1016 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE TAX BENEFITS OF CONTRIBUTIONS TO THE PARENTAL SAVINGS TRUST FUND OF THE STATE EDUCATION ASSISTANCE AUTHORITY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50735, which changes the title upon concurrence to read **H.B. 1016** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS, TO MAKE CORRESPONDING CHANGES TO STATE AND LOCAL REVENUE STREAMS, TO PROVIDE A NONREFUNDABLE EARNED INCOME TAX CREDIT, AND TO TAX ANNUITIES IN THE SAME MANNER AS OTHER INSURANCE PRODUCTS, is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1350 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS, for concurrence in the House Committee Substitute bill.

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The House Committee Substitute bill is placed on the Calendar for Wednesday, July 11, for concurrence.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:19 P.M.

NINETY-SIXTH DAY

Senate Chamber
Wednesday, July 11, 2007

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, few of us really know what it is like in there where the budget negotiations continue. We suspect that it is civil at times, but we also conjure up visions of it being downright contentious, maybe with justifications. We don't know for sure. One of the late Jerry Clower's stories about Eugene Ledbetter might give us some insight. Eugene and Jerry went coon hunting. They treed a coon, but could not budge him from the tree. So Eugene decided he would climb the tree and shake the raccoon loose. But to his surprise, it was not a coon up the tree at all. It was a wildcat. In a little while Jerry heard the awfulest commotion up in the tree you could imagine. Screaming and growling, hair and fur flying. Then came the voice of Eugene screaming, 'Jerry! Jerry! Shoot up here.' Jerry yelled back, 'I might hit you, Eugene.' 'Shoot up here amongst us, anyway Jerry. One of us has got to have some relief.' We pray that the conferees will get some relief and some resolution for the eyes of the Lord are on the Righteous and his ears are open to their prayer. Amen."

The Chair grants a leave of absence for today to Senator Dorsett.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, 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 privileges of the floor to Dr. Keith C. Reschly from Southport, North Carolina, who is serving the Senate as Doctor of the Day, and to Debby Seymour from New Bern, North Carolina, who is serving the Senate as Nurse of the Day.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Swindell for the **Education/Higher Education Committee**:

H.B. 26, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REPORT ON THE EFFICACY OF THE PREPARATION OF TEACHERS TO TEACH STUDENTS WITH DISABILITIES, with a favorable report.

H.B. 232 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY STRATEGIES FOR RECOVERING COSTS DUE TO DAMAGED AND LOST TEXTBOOKS, with a favorable report.

H.B. 749 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT EFFICIENCIES WITHIN THE UNIVERSITY SYSTEM AS RECOMMENDED BY THE PRESIDENT'S ADVISORY COMMITTEE ON EFFICIENCY AND EFFECTIVENESS (PACE), 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 70580, which changes the title upon concurrence to read **H.B. 749** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT EFFICIENCIES WITHIN THE UNIVERSITY SYSTEM AND STATE GOVERNMENT AS RECOMMENDED BY THE PRESIDENT'S ADVISORY COMMITTEE ON EFFICIENCY AND EFFECTIVENESS (PACE), is adopted and engrossed.

By Senator Shaw for the **Transportation Committee**:

H.B. 1330 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN EXEMPTION FROM THE REQUIREMENT THAT A BACKSEAT PASSENGER WEAR A SEAT BELT WHILE BEING TRANSPORTED BY A LAW ENFORCEMENT OFFICER, with a favorable report.

H.B. 292 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO STUDY AND UNDERTAKE PRELIMINARY DESIGN WORK FOR A REPLACEMENT FOR THE YADKIN RIVER BRIDGE, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

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H.B. 1321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A WEIGHT AND SIZE EXCEPTION TO STATE AND LOCAL FIREFIGHTING AGENCIES TRANSPORTING OVERWEIGHT AND OVERSIZED VEHICLES BEING USED TO COMBAT FOREST FIRES, WILDFIRES, AND OTHER EMERGENCIES OR DISASTERS, TO AUTHORIZE THE ISSUANCE OF AN ANNUAL OR SINGLE TRIP PERMIT FOR OVERSIZE AND OVERWEIGHT COMMERCIAL VEHICLES USED IN EMERGENCY RESPONSE, AND TO AUTHORIZE THE ISSUANCE OF A SINGLE TRIP PERMIT FOR OVERSIZE OR OVERWEIGHT VEHICLES OR VEHICLE COMBINATIONS RESPONDING TO AN EMERGENCY EVENT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70581, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1350 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS.

Upon motion of Senator Rand, the House Committee Substitute bill is taken up out of its regular order of business and placed before the Senate for immediate consideration for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor by special message.

PERSONAL PRIVILEGE

Upon motion by Senator Shaw, the remarks of the members who spoke on the Campaign for Tobacco Free Kids Award are spread upon the Journal, as follows:

Senator Purcell:

“Ladies and gentlemen of the Senate, I rise today to recognize some special young people who are part of the North Carolina Health and Wellness Trust Fund’s Teen Tobacco Prevention Movement. These young people are living testimonies that the efforts to prevent youth from smoking are paying off and they are seated in the gallery across from me. It is a special honor to recognize Anna Butler from Matthews, a junior at Charlotte Christian School, for being named the South Regional Youth Advocate of the Year by the Campaign for Tobacco Free Kids in a gala event in Washington on May 3. Anna was

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recognized for her fight against teen smoking. This national award recognizes Anna for her leadership in creating the Teens Against Tobacco Use student clubs to train faith-based youth groups and pregnant teens about the importance of tobacco prevention and cessation and urges them to call the Health and Wellness Trust Fund quick line for advice and help. We are grateful to Anna for her hard work and congratulate her for receiving this very prestigious national award. I also want to congratulate Question Why, Central East Region in Durham, an education advocacy and training movement funded by the North Carolina Health and Wellness Trust Fund for being named the Youth Advocates of the Year group winner. They are also in the gallery. This organization offers various courses to empower youth to become leaders to inform young people about the dangers of tobacco use. They also partner with alcohol law enforcement to create a merchant education program to reduce youth access to tobacco products. Congratulations to all of you for receiving this national recognition and what you have done for young people in North Carolina.”

Senator Pittenger:

“Special recognition I would say, also, to Anna Butler and these other young people. They demonstrate the kind of leadership that we all look forward to today. They have gone against the grain. What is popular for many kids, they said no to and have gone a different way and so now 27,000 kids have said no we are not going to smoke. We commend you, particular our good friend Anna Butler from Charlotte Christian. Our kids happened to go there at one time. We thank you for the great leadership that you have provided for the thousands of kids all over our State. God bless you.”

Senator Atwater:

“I am awfully pleased as well to commend you, Anna Butler from Mecklenburg County, and the youth advocacy group based in Durham. Our young people are just passionate about what they do and they have been tremendously successful in empowering other youth to take on and change the social norms surrounding the use of tobacco. They are just some of our finest citizens in North Carolina and we are expecting great things out of them in the future, but most of all we want to congratulate them today. Out of the seven national awards that could be achieved, they brought home two of them, one individual and one group. Thank you.”

Senator McKissick:

“I also want to add my congratulations to Anna Butler and to Question Why who are based in Durham and we are certainly pleased and honored to see them receive such a national recognition. In fact, Anna Butler and Question Why were the only honorees out of those nationwide that were from a tobacco-producing State and we are very proud. Of course, the leadership that these young people are showing is absolutely tremendous. We greatly appreciate that. Question Why has trained dozens of kids in North Carolina to be savvy when it comes to media literacy by teaching them how to spread the word about tobacco

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control with confidence by writing letters to the editor and issuing press releases and speaking on camera. In addition to doing youth advocacy training, they are also teaching them the ins and outs for educating them on how to make changes in their schools and in the communities. They are holding special events such as events at bowling alleys where they are attracting over three-hundred people and are doing things that attract the attention of the young people in this State. They hold events called 'Kick-Butt Day' where they dress up as sumo wrestlers and pretend to be actually acting out the advantages and disadvantages of smoking and smoking control. So we would like to thank them and honor them for their contributions and let them know we expect great things from them in years to come."

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Malone for the **Education/Public Instruction Committee**:

S.B. 914, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1357, A BILL TO BE ENTITLED AN ACT TO ALLOW A CHILD WHO IS NOT A DOMICILIARY OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND, WITHOUT PAYMENT OF TUITION, THE PUBLIC SCHOOLS OF THAT UNIT IF THE CHILD RESIDES WITH AN ADULT WHO IS A DOMICILIARY OF THAT UNIT BECAUSE THE CHILD'S PARENT OR GUARDIAN HAS BEEN CALLED TO ACTIVE MILITARY DUTY OR ACTIVE DUTY WITH THE NATIONAL GUARD, with a favorable report.

H.B. 17, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE DELIVERY OF EDUCATIONAL AND OTHER SERVICES TO STUDENTS WITH DISABILITIES AT THE HIGH SCHOOL LEVEL AND REPORT TO THE JOINT LEGISLATIVE EDUCATION 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 50736, is adopted and engrossed.

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H.B. 18, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO CLARIFY THE DEFINITION OF RESIDENCE FOR THE DELIVERY OF SPECIAL EDUCATION 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 60380, is adopted and engrossed.

H.B. 1546, A BILL TO BE ENTITLED AN ACT TO REQUIRE A COMMERCIAL DRIVERS LICENSE THAT HAS A SCHOOL BUS ENDORSEMENT TO EXPIRE THREE YEARS AFTER IT IS ISSUED, 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 50738, is adopted and engrossed.

H.B. 1471 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXISTING CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ALLOW AN EXISTING CHARTER SCHOOL TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50737, which changes the title upon concurrence to read **H.B. 1471** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ALLOW AN EXISTING CHARTER SCHOOL TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, is adopted and engrossed.

Upon motion of Senator Malone, the Senate Committee Substitute bill is referred to the **Pensions & Retirement and Aging Committee**.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 838, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINES FOR PENALTIES AND OFFERS IN COMPROMISE FOR ALCOHOLIC BEVERAGE CONTROL LAW VIOLATIONS, TO REQUIRE AGENTS OF THE DIVISION OF ALCOHOL LAW ENFORCEMENT TO SERVE AND EXECUTE ALCOHOLIC BEVERAGE CONTROL AND NORTH CAROLINA STATE LOTTERY COMMISSION ORDERS,

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NOTICES, AND DEMANDS, TO CHANGE ABC PERMIT REGISTRATION AND INSPECTION FEE REVOCATIONS TO SUSPENSIONS, TO ALLOW LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO HAVE SPECIAL ONE-TIME PERMITS TO SELL AND SERVE MALT BEVERAGES, WINES, MIXED BEVERAGES, AND SPIRITUOUS LIQUORS AT FUND-RAISERS, TO MAKE TECHNICAL CORRECTIONS TO COMMERCIAL PERMITS, AND TO ALLOW WINEMAKING ON PREMISES PERMITS AT UNFORTIFIED WINERIES AS RECOMMENDED BY THE ALCOHOLIC BEVERAGE 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 85349, which changes the title to read **S.B. 838** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF OFF-PREMISES MALT BEVERAGE AND UNFORTIFIED WINE PERMITS TO INCORPORATED MUNICIPALITIES AFTER AN ELECTION ALLOWING THE SALE OF MIXED BEVERAGES, TO REQUIRE AN APPLICANT FOR AN ABC PERMIT TO BE A UNITED STATES CITIZEN OR LEGALLY PRESENT IN THE UNITED STATES FOR A PERMIT TO BE ISSUED, TO CHANGE ABC PERMIT REGISTRATION AND INSPECTION FEE REVOCATIONS TO SUSPENSIONS, TO ALLOW LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO HAVE SPECIAL ONE-TIME PERMITS TO SELL AND SERVE MALT BEVERAGES, WINES, MIXED BEVERAGES, AND SPIRITUOUS LIQUORS AT FUND-RAISERS, TO MAKE TECHNICAL CORRECTIONS TO COMMERCIAL PERMITS, TO ALLOW WINEMAKING ON PREMISES PERMITS AT UNFORTIFIED WINERIES, AND TO CHANGE THE FEE FOR WINE MAKING ON PREMISES PERMITS AS RECOMMENDED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 731 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS PURCHASING ANNUITY PRODUCTS; ADDRESS PORTABILITY IN ACCIDENT AND HEALTH AND LIFE INSURANCE; MAKE MINOR CHANGES IN THE LAWS ON MANAGED CARE EXTERNAL REVIEWS; CLARIFY DEFINITIONS IN LONG-TERM CARE INSURANCE; ADDRESS SMALL EMPLOYER CARRIER PLAN ELECTIONS; DEFINE "CRITICAL PERIOD CONVERSION RATIO" FOR CREDIT INSURANCE; MAKE MISCELLANEOUS AMENDMENTS TO OTHER PROVISIONS RELATED TO LIFE AND HEALTH INSURANCE; AND MAKE TECHNICAL CORRECTIONS IN INSURANCE CODE REFERENCES TO THE TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80464, is adopted and engrossed.

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By Senator Graham for the **State & Local Government Committee**:

H.B. 483 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM, with a favorable report.

H.B. 1412, A BILL TO BE ENTITLED AN ACT TO CLARIFY VETERANS PREFERENCE WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS, with a favorable report.

H.B. 1413 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE DESIGNATED APPOINTMENT OF A VETERAN OF THE ARMED FORCES TO THE STATE PERSONNEL COMMISSION, with a favorable report.

H.B. 489, A BILL TO BE ENTITLED AN ACT TO REDUCE THE TERMS OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FROM FIVE YEARS TO FOUR YEARS, 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 70578, which changes the title upon concurrence to read **H.B. 489** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE TERMS OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FROM FIVE YEARS TO FOUR YEARS AND TO AUTHORIZE THE CITY OF ASHEVILLE AND THE ASHEVILLE CITY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR TEACHERS, POLICE OFFICERS, AND FIREFIGHTERS, is adopted and engrossed.

CONFERENCE REPORT

Senator Jones, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 648** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND RECODIFY THE LAW AUTHORIZING THE DIVISION OF CORRECTION ENTERPRISES WITHIN THE DEPARTMENT OF CORRECTION, 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 648, A BILL TO BE ENTITLED AN ACT TO REVISE AND RECODIFY THE LAW AUTHORIZING THE DIVISION OF CORRECTION ENTERPRISES WITHIN THE DEPARTMENT OF CORRECTION, Senate Commerce, Small Business and Entrepreneurship Committee Substitute Adopted 6/18/07, Fifth Edition Engrossed 6/19/07, submit the following report:

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The House concurs in the Senate Commerce, Small Business and Entrepreneurship Committee Substitute Adopted 6/18/07, Fifth Edition Engrossed 6/19/07, with an amendment: on page 6, lines 38-39, delete "This act becomes effective July 1, 2007 and expires on July 1, 2012.", and substitute "This act becomes effective August 1, 2007, but the first sentence of G.S. 148-127(5) as enacted by this act expires on July 1, 2012."

The Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 11, 2007.

Conferees for the Senate *Conferees for the House of Representatives*

S/Ed Jones, Chair	S/Pryor Gibson, Chair
S/Steve Goss	S/Ray Warren
S/Stan Bingham	S/Karen B. Ray

The Conference Report is placed on the Calendar for Thursday, July 12, for adoption.

WITHDRAWAL FROM COMMITTEE

H.B. 1659 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL HISTORY RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF PUBLIC INSTRUCTION, referred to the **Education/Public Instruction Committee** on June 25.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Education/Public Instruction 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 **Education/Public Instruction Committee** and re-refers the measure to the **Judiciary II Committee**.

H.B. 958, A BILL TO BE ENTITLED AN ACT ADOPTING THE AMERICAN BULLFROG AS THE OFFICIAL AMPHIBIAN OF THE STATE OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on April 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 1314, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA MASSAGE AND BODYWORK THERAPY PRACTICE ACT TO EXPAND THE EXISTING LAWS REGULATING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO AUTHORIZE THE BOARD TO ESTABLISH FEES FOR LICENSING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE TO PRACTICE MASSAGE AND BODYWORK THERAPY; AND TO AMEND THE EXISTING LAWS REGARDING ADULT ENTERTAINMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35409, which changes the title to read **S.B. 1314** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA MASSAGE AND BODYWORK THERAPY PRACTICE ACT TO EXPAND THE EXISTING LAWS REGULATING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO AUTHORIZE THE BOARD TO ESTABLISH FEES FOR LICENSING MASSAGE AND BODYWORK THERAPY SCHOOLS; AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE TO PRACTICE MASSAGE AND BODYWORK THERAPY, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1294 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES, 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 70582, is adopted and engrossed.

H.B. 1400 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE TAKING OR RECOVERY OF HUMAN TISSUE AT A FUNERAL ESTABLISHMENT BY ANY PERSON, WITH CERTAIN EXCEPTIONS, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60381, is adopted and engrossed.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 238, AN ACT TO ADJUST THE ADDITIONAL TAX RATE ON PROPERTY COVERAGE CONTRACTS TO BE REVENUE NEUTRAL BASED ON AN EXPANSION OF THE TAX BASE ENACTED IN S.L. 2006-196, TO INCREASE THE DISTRIBUTION OF THE TAX PROCEEDS TO THE VOLUNTEER FIRE DEPARTMENT FUND, TO AMEND THE VOLUNTEER FIRE DEPARTMENT GRANT PROGRAM TO ALLOW MORE DEPARTMENTS TO QUALIFY FOR GRANTS, AND TO MODIFY THE DISTRIBUTION OF TAX PROCEEDS TO THE LOCAL FIREMEN'S RELIEF FUNDS.

S.B. 632, AN ACT TO REPEAL THE LAW ESTABLISHING THE BLACK MOUNTAIN ADVANCEMENT CENTER FOR WOMEN.

S.B. 1432, AN ACT TO ALLOW FOR A MEANINGFUL CHALLENGE TO AN ADMINISTRATIVE SUBPOENA.

H.B. 257, AN ACT TO AMEND THE SALES TAX DEFINITIONS TO COMPLY WITH THE STREAMLINED SALES TAX AGREEMENT AND TO MAKE OTHER SALES TAX CHANGES.

H.B. 676, AN ACT TO INCREASE THE MAXIMUM ANNUAL PENSION BENEFIT PAYABLE THROUGH THE REGISTER OF DEEDS' SUPPLEMENTAL PENSION FUND AND TO MAKE OTHER ADJUSTMENTS TO THE FUND.

H.B. 833, AN ACT TO RENAME THE FIREMEN'S RELIEF FUND THE FIREFIGHTERS' RELIEF FUND IN RECOGNITION OF THE NUMEROUS FEMALE FIREFIGHTERS WHO SERVE.

H.B. 1338, AN ACT AUTHORIZING THE ELECTRICAL CONTRACTORS BOARD TO RAISE THE PROJECT VALUE LIMITS FOR LICENSE CLASSIFICATIONS UNDER THE LAWS REGULATING ELECTRICAL CONTRACTORS AND TO RAISE THE PROJECT VALUE LIMITS FOR LICENSE CLASSIFICATIONS UNDER THE LAWS REGULATING GENERAL CONTRACTORS.

H.B. 1369, AN ACT PERTAINING TO THE PRESERVATION OF PRESCRIPTION DRUG ORDERS BY PHARMACIES AND TO PERMIT

July 11, 2007

MEDICAL CONSENT AND AUTHORIZATION FORMS TO BE KEPT IN THE SAME ELECTRONIC FORMAT AS OTHER MEDICAL RECORDS.

The Enrolling Clerk reports the following bill and a joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 426, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF AYDEN, CORNELIUS, DAVIDSON, HUNTERSVILLE, AND SPRING LAKE AND THE CITIES OF EDEN, GREENSBORO, HIGH POINT, AND REIDSVILLE.

S.J.R. 1567, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GROVER ROBBINS, JR., FOUNDER OF TWEETSIE RAILROAD ON THE THEME PARK'S FIFTIETH ANNIVERSARY. (Res. 55)

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. 226, AN ACT TO AUTHORIZE SCOTLAND COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, July 10, 2007 - S.L. 2007-203.)

H.B. 279, AN ACT TO ALLOW THE TOWN OF NORTH TOPSAIL BEACH TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES. (Became law upon ratification, July 10, 2007 - S.L. 2007-204.)

H.B. 513, AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO DETERMINE WHETHER THE COMPETITIVE PROPOSAL METHOD IS APPROPRIATE FOR PUBLIC TRANSIT PURCHASES AND PROVIDING THAT THE CITY MAY LET CONTRACTS FOR THE ACQUISITION OR MAINTENANCE OF TRANSIT EQUIPMENT OR FACILITIES IN THE MANNER PRESCRIBED BY THE FEDERAL GOVERNMENT WHEN THE PROJECT IS FUNDED IN WHOLE OR IN PART WITH FEDERAL FUNDS. (Became law upon ratification, July 10, 2007 - S.L. 2007-205.)

H.B. 1103, AN ACT TO ALLOW CURRITUCK COUNTY TO REDEFINE ITS RESIDENCY DISTRICTS IN 2007 AFTER PUBLIC INPUT. (Became law upon ratification, July 10, 2007 - S.L. 2007-206.)

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H.B. 1120, AN ACT REPEALING THE LOCAL MODIFICATION RELATING TO THE DEFINITION OF SUBDIVISION IN PASQUOTANK COUNTY. (Became law upon ratification, July 10, 2007 - S.L. 2007-207.)

CALENDAR (*continued*)

H.B. 792, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NORTHAMPTON COUNTY TO LEVY A ROOM OCCUPANCY TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Cowell, Dalton, Dannelly, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.

The bill remains on the Calendar for Thursday, July 12, upon third reading.

H.B. 530 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING HARNETT COUNTY TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT EXPANSION PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered enrolled.

H.B. 638 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF KING AND THE TOWN OF MAIDEN TO ALLOW LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND TO USE GOLF CARTS ON PUBLIC STREETS AND HIGHWAYS, OR ANY PROPERTY OWNED OR LEASED BY THE CITY OR TOWN.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 1143 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN STANLY COUNTY.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence.

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H.B. 1197 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF STATESVILLE TO MODIFY THE POWERS AND DUTIES OF THE CIVIL SERVICE BOARD.

Senator East offers Amendment No. 1 which is adopted (49-0).

Senator Apodaca offers Amendment No. 2 which is adopted (49-0), and changes the title upon concurrence to read **H.B. 1197** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF STATESVILLE TO MODIFY THE POWERS AND DUTIES OF THE CIVIL SERVICE BOARD AND AMENDING THE ACT ESTABLISHING THE BUNCOMBE COUNTY SHERIFF'S PERSONNEL ADVISORY BOARD.

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.

The Senate recesses at 3:30 P.M. to reconvene at 3:45 P.M. subject to ratification of bills.

RECESS

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 1350, AN ACT TO CLARIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS.

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR *(continued)*

S.B. 540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS, MOTOR FUELS TAX LAWS, AND RELATED STATUTES, as amended on July 10 by a material amendment, upon second reading.

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

July 11, 2007

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for Thursday, July 12, upon third reading.

H.B. 1016 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS, TO MAKE CORRESPONDING CHANGES TO STATE AND LOCAL REVENUE STREAMS, TO PROVIDE A NONREFUNDABLE EARNED INCOME TAX CREDIT, AND TO TAX ANNUITIES IN THE SAME MANNER AS OTHER INSURANCE PRODUCTS.

Upon motion of Senator Rand, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 1724 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, TO REDESIGNATE ELK KNOB STATE NATURAL AREA AS ELK KNOB STATE PARK, AND TO REDESIGNATE DISMAL SWAMP STATE NATURAL AREA AS DISMAL SWAMP STATE PARK.

The Committee Substitute bill passes its second reading by a three-fifths majority vote as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

Senator Dalton offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its third reading by a three-fifths majority vote as follows:

Voting in the affirmative are: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 445 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHILD PLACEMENT AGENCIES TO ACT AS

July 11, 2007

CONFIDENTIAL INTERMEDIARIES BETWEEN ADULT ADOPTEES, AN ADULT LINEAL DESCENDANT OF A DECEASED ADOPTEE, AND A BIOLOGICAL PARENT.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 588 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE AND IMPROVE LAWS COVERING UNAUTHORIZED INSURERS.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 1016 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS, TO MAKE CORRESPONDING CHANGES TO STATE AND LOCAL REVENUE STREAMS, TO PROVIDE A NONREFUNDABLE EARNED INCOME TAX CREDIT, AND TO TAX ANNUITIES IN THE SAME MANNER AS OTHER INSURANCE PRODUCTS, temporarily displaced earlier today.

Senator Stevens offers Amendment No. 1.

Senator Clodfelter offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1.

Amendment No. 2 is adopted (30-19), and changes the title upon concurrence to read **H.B. 1016** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS, TO MAKE CORRESPONDING CHANGES TO STATE AND LOCAL REVENUE STREAMS, TO PROVIDE A REFUNDABLE EARNED INCOME TAX CREDIT, AND TO TAX ANNUITIES IN THE SAME MANNER AS OTHER INSURANCE PRODUCTS.

The amendment is ruled to be material, which constitutes first reading.

Senator Rand calls the previous question on second and third readings, seconded by Senator Clodfelter, which motion prevails (29-19).

The Senate Committee Substitute bill, as amended, is placed on the Calendar for Thursday, July 12, upon second reading.

H.B. 735 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE THE CONSTRUCTION PLAN REVIEW PROCESS FOR CERTAIN PUBLIC BUILDINGS, AS REQUESTED BY THE HOUSE SELECT COMMITTEE ON PUBLIC SCHOOL CONSTRUCTION.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 1025, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EMPLOYERS TO AMORTIZE THE PAYMENT OF THE COST OF PROBATIONARY EMPLOYMENT FOR MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

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Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 12.

H.B. 1536 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF DEALERS OF LIQUEFIED PETROLEUM GAS AND THEIR EMPLOYEES, AGENTS, AND SUBCONTRACTORS UNDER CERTAIN SPECIFIED CIRCUMSTANCES.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 864, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15116, which changes the title to read **S.B. 864** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, AND TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS, is adopted and engrossed.

Upon motion of Senator Purcell, the Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR *(continued)*

S.B. 60 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO AS SOON AS PRACTICABLE DESIGNATE A TEMPORARY LOCATION FOR REGISTRATION DOCUMENT AND PLATE ACQUISITION WHEN CLOSING THE ONLY CONTRACT LICENSE PLATE AGENCY IN A COUNTY, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Goss, the Senate concurs in the House Committee Substitute bill No. 2 (49-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 1287 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE OFFICE OF INDIGENT DEFENSE SERVICES OF THE JUDICIAL DEPARTMENT MAY HAVE ACCESS TO

July 11, 2007

SOCIAL SECURITY INFORMATION SUBMITTED AS PART OF AN APPLICATION FOR A DRIVERS LICENSE AND KEPT ON FILE AT THE DIVISION OF MOTOR VEHICLES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Snow, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

H.B. 91 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES, for adoption.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (34-15).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

WITHDRAWAL FROM COMMITTEE

H.B. 89 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN, referred to the **State & Local Government Committee** on March 27.

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 **Commerce, Small Business and Entrepreneurship Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **State & Local Government Committee** and re-refers the measure to the **Commerce, Small Business and Entrepreneurship Committee**.

CONFERENCE REPORT

Senator Kerr, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 464** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTIES OF BURKE, CALDWELL, CASWELL, GREENE, JONES, AND WAYNE TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, 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 464, A BILL TO BE ENTITLED

July 11, 2007

AN ACT TO AUTHORIZE THE COUNTIES OF BURKE, CALDWELL, CASWELL, GREENE, JONES, AND WAYNE TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, Senate Finance Committee Substitute Adopted 6/20/07, submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute, Senate Finance Committee Substitute Adopted 6/20/07, and the House concurs in the Senate Finance Committee Substitute as amended:

On page 1, line 2, by deleting the word "CALDWELL,"; and
On page 1, line 9, by deleting the word "Caldwell".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 11, 2007.

Conferees for the Senate

S/John H. Kerr III, Chair
S/Eleanor Kinnaird
S/Harry Brown
S/Jim Jacumin

Conferees for the House of Representatives

S/Pat McElraft, Chair
S/Edgar V. Starnes
S/Bill Faison

The Conference Report, which changes the title, is placed on the Calendar for Thursday, July 12, for adoption.

Upon motion of Senator Basnight, seconded by Senator Kerr, the Senate adjourns subject to reading of messages from the House of Representatives, receipt of conference reports, committee reports and ratification of bills, to meet Thursday, July 12, at 12:00 Noon.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 11, 2007

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. 91**

July 11, 2007

(Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES.

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 10, 2007

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. 956** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS, and requests conferees.

Speaker Hackney has appointed:

Representative Yongue, Chair
Representative Carney
Representative Pate, 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

July 11, 2007

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 10, 2007

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. 1415** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE.

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. 442 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CASWELL COUNTY AND THE TOWN OF YANCEYVILLE TO LEVY A ROOM OCCUPANCY TAX, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 12, for concurrence.

S.B. 527 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BUSINESSES THAT SELL PRODUCTS OR SERVICES TO CONSUMERS PURSUANT TO CONTRACTS THAT AUTOMATICALLY RENEW UNLESS THE CONSUMERS CANCEL THE CONTRACTS TO DISCLOSE THE RENEWAL CLAUSES, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Thursday, July 12, for concurrence in House Amendment No. 1.

S.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A FRAMEWORK FOR A REACHING ONE'S POTENTIAL FOR EXCELLENCE (ROPE) SCHOLARS PROGRAM, for concurrence in House Amendment No. 1.

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The Committee Substitute bill, as amended, is placed on the Calendar for Thursday, July 12, for concurrence in House Amendment No. 1.

H.B. 986 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF BUTNER, TO TRANSFER CERTAIN ASSETS PREVIOUSLY HELD BY THE STATE OF NORTH CAROLINA FOR THE TOWN OF BUTNER TO THE NEWLY INCORPORATED TOWN OF BUTNER, AND TO MAKE CONFORMING CHANGES TO PUBLIC LAWS AFFECTING THE BUTNER RESERVATION.

Referred to the **Finance Committee**.

H.B. 1191 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF EASTOVER.

Referred to the **Finance Committee**.

H.B. 1259, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE PASS-THROUGH ENTITY ALLOCATION PROVISIONS OF THE HISTORIC REHABILITATION TAX CREDIT.

Referred to the **Finance Committee**.

H.B. 1577 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO HEARING AID DEALERS AND FITTERS AND TO AUTHORIZE THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO ADD FEES.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.J.R. 1928, A JOINT RESOLUTION SUPPORTING ENACTMENT OF THE PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007 (SENATE BILL 294) AND OTHER PUBLIC PRIVATE INVESTMENTS IN RAIL INFRASTRUCTURE TO BE CONSIDERED BY THE CONGRESS OF THE UNITED STATES.

Referred to the **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Finance Committee**:

H.B. 463 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS, with a favorable report.

H.B. 1097 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL AND THE CITY OF

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ASHEVILLE TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION, with a favorable report.

H.B. 1250, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF DURHAM, with a favorable report.

S.B. 154, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85351, which changes the title to read **S.B. 154** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF DALLAS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is adopted and engrossed.

H.B. 1646, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTIES FOR VIOLATIONS OF LAWS TO PROTECT AIR QUALITY, 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 50739, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:32 P.M.

NINETY-SEVENTH DAY

Senate Chamber
Thursday, July 12, 2007

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, for the child in each of us, the hardest part of any journey is not the start or the finish, but those long last few miles before we get to our destination. We pray that when the journey seems too long, when we feel tired, when our compassion turns to complaining, when our efforts toward justice and mercy seem to get us nowhere, it's time to remember the humility part. That it is you who has made us and not we ourselves. The saving of this world or even our

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little part of it is not entirely on our shoulders. 'Come to me,' you have said, 'all you that are weary and carrying heavy burdens, and I will give you rest.' We claim that promise today for members of the Senate. Amen."

The Chair grants leaves of absence for today to Senator Clodfelter, Senator Dorsett, Senator Jenkins and Senator Pittenger.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, July 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. James Pressly from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Elena Feliciano from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 60, AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO AS SOON AS PRACTICABLE DESIGNATE A TEMPORARY LOCATION FOR REGISTRATION DOCUMENT AND PLATE ACQUISITION WHEN CLOSING THE ONLY CONTRACT LICENSE PLATE AGENCY IN A COUNTY.

S.B. 1359, AN ACT TO ALLOW THE OPERATOR OF A MOTORCYCLE TO PROCEED THROUGH AN INTERSECTION CONTROLLED BY A TRAFFIC SIGNAL ONLY IF THE TRAFFIC SIGNAL USES AN INDUCTIVE LOOP VEHICLE SENSOR THAT ACTIVATES THE TRAFFIC SIGNAL AND THE INDUCTIVE LOOP FAILS TO DETECT THE MOTORCYCLE AND ACTIVATE THE TRAFFIC SIGNAL.

S.B. 1287, AN ACT TO PROVIDE THAT THE OFFICE OF INDIGENT DEFENSE SERVICES OF THE JUDICIAL DEPARTMENT MAY HAVE ACCESS TO SOCIAL SECURITY INFORMATION SUBMITTED AS PART OF AN APPLICATION FOR A DRIVERS LICENSE AND KEPT ON FILE AT THE DIVISION OF MOTOR VEHICLES.

H.B. 27, AN ACT TO PROVIDE THAT A FILM AND PHOTOGRAPHIC PRINT PROCESSOR OR A COMPUTER TECHNICIAN WHO, IN THE PERSON'S SCOPE OF EMPLOYMENT, OBSERVES AN IMAGE OF A MINOR OR A PERSON WHO REASONABLY APPEARS TO BE A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE

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PERSON REQUESTING THE PROCESSING OF THE FILM OR PHOTOGRAPHS OR IN POSSESSION OF THE COMPUTER TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN OR TO THE APPROPRIATE LOCAL LAW ENFORCEMENT OFFICER.

H.B. 445, AN ACT TO AUTHORIZE CHILD PLACEMENT AGENCIES TO ACT AS CONFIDENTIAL INTERMEDIARIES BETWEEN ADULT ADOPTEES, AN ADULT LINEAL DESCENDANT OF A DECEASED ADOPTEE, AND A BIOLOGICAL PARENT.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 226, AN ACT TO ALLOW THE CITY OF WILMINGTON TO USE CIVILIAN TRAFFIC INVESTIGATORS TO INVESTIGATE PROPERTY DAMAGE CRASHES.

H.B. 530, AN ACT AUTHORIZING HARNETT COUNTY TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT EXPANSION PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

H.B. 638, AN ACT TO AUTHORIZE THE CITY OF KING AND THE TOWN OF MAIDEN TO ALLOW LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND TO USE GOLF CARTS ON PUBLIC STREETS AND HIGHWAYS, OR ANY PROPERTY OWNED OR LEASED BY THE CITY OR TOWN.

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. 426, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN THE TOWNS OF AYDEN, CORNELIUS, DAVIDSON, HUNTERSVILLE, AND SPRING LAKE AND THE CITIES OF EDEN, GREENSBORO, HIGH POINT, AND REIDSVILLE. (Became law upon ratification, July 11, 2007 - S.L. 2007-208.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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By Senator Hoyle for the **Finance Committee**:

S.B. 282, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65265, which changes the title to read **S.B. 282** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, is adopted and engrossed.

S.B. 869 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD FELONY CHILD ABUSE TO THE LIST OF SEX OFFENDER REGISTRY OFFENSES WHEN THE OFFENSE INVOLVES PROSTITUTION OF A JUVENILE OR THE COMMISSION OF A SEXUAL ACT UPON A JUVENILE, TO REQUIRE THAT A SEX OFFENDER REGISTER HIS OR HER ELECTRONIC MAIL ADDRESS OR OTHER ONLINE IDENTIFIER IN THE STATEWIDE SEX OFFENDER REGISTRY, TO ALLOW LIMITED RELEASE OF ONLINE IDENTIFIER INFORMATION IN THE SEX OFFENDER REGISTRY TO CERTAIN ENTITIES THAT PROVIDE ELECTRONIC MAIL SERVICES AND OTHER INTERNET SERVICES FOR THE PURPOSE OF SCREENING ONLINE USERS, TO PROVIDE THAT THE COURT MAY ORDER A CONVICTED SEX OFFENDER WHO FAILS TO REGISTER AS A SEX OFFENDER TO FORFEIT CERTAIN LICENSING PRIVILEGES, TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP PROCEDURES TO ENSURE TIMELY NOTIFICATION OF THE DIVISION OF CRIMINAL INFORMATION AND SHERIFFS OF PERSONS REQUIRED TO REGISTER WHO ARE NOT SENTENCED TO ACTIVE TIME, AND TO AUTHORIZE FUNDS FOR THE GOVERNOR'S CRIME COMMISSION TO USE TO AWARD AS MATCHING GRANTS TO ELIGIBLE SHERIFFS' OFFICES TO ENHANCE AND SUPPORT THEIR EFFORTS TO ENFORCE THE STATE'S SEX OFFENDER LAWS, 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, 15117, which changes the title to read **S.B. 869** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD FELONY CHILD ABUSE TO THE LIST OF SEX OFFENDER REGISTRY OFFENSES WHEN THE OFFENSE INVOLVES PROSTITUTION OF A JUVENILE OR THE COMMISSION OF A SEXUAL ACT UPON A JUVENILE, TO REQUIRE THAT A SEX OFFENDER REGISTER HIS OR HER ELECTRONIC MAIL ADDRESS OR OTHER ONLINE IDENTIFIER IN THE STATEWIDE SEX OFFENDER REGISTRY, TO ALLOW LIMITED RELEASE OF ONLINE IDENTIFIER INFORMATION IN THE SEX OFFENDER REGISTRY TO CERTAIN ENTITIES THAT PROVIDE ELECTRONIC MAIL SERVICES AND OTHER

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INTERNET SERVICES FOR THE PURPOSE OF SCREENING ONLINE USERS, TO AUTHORIZE THE COURT TO REVOKE ANY AND ALL LICENSING PRIVILEGES HELD BY A SEX OFFENDER WHO FAILS TO REGISTER, TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP PROCEDURES TO ENSURE TIMELY NOTIFICATION OF THE DIVISION OF CRIMINAL INFORMATION AND SHERIFFS OF PERSONS REQUIRED TO REGISTER WHO ARE NOT SENTENCED TO ACTIVE TIME, AND TO AUTHORIZE FUNDS FOR THE GOVERNOR'S CRIME COMMISSION TO USE TO AWARD AS MATCHING GRANTS TO ELIGIBLE SHERIFFS' OFFICES TO ENHANCE AND SUPPORT THEIR EFFORTS TO ENFORCE THE STATE'S SEX OFFENDER LAWS, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill No. 2 is referred to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1294 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES.

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 16.

H.B. 792, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NORTHAMPTON COUNTY TO LEVY A ROOM OCCUPANCY TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 37, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Dalton, Dannelly, Foriest, Goodall, Goss, Hagan, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---37.

Voting in the negative: Senators Brock, East and Forrester---3.

The bill is ordered enrolled.

S.B. 154 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF DALLAS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown,

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Brunstetter, Dalton, Dannelly, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---39.

Voting in the negative: Senators Brock, East and Forrester---3.

The Committee Substitute bill remains on the Calendar for Monday, July 16, upon third reading.

H.B. 1250, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF DURHAM, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---42.

Voting in the negative: None.

The bill remains on the Calendar for Monday, July 16, upon third reading.

H.B. 483 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM.

The Committee Substitute bill passes its second (35-9) and third readings and is ordered enrolled.

H.B. 489 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE TERMS OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FROM FIVE YEARS TO FOUR YEARS AND TO AUTHORIZE THE CITY OF ASHEVILLE AND THE ASHEVILLE CITY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR TEACHERS, POLICE OFFICERS, AND FIREFIGHTERS.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 1097 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL AND THE CITY OF ASHEVILLE TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION.

Upon motion of Senator Kinnaird, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

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S.B. 442 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CASWELL COUNTY AND THE TOWN OF YANCEYVILLE TO LEVY A ROOM OCCUPANCY TAX, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Foriest, the Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 41, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brown, Brunstetter, Dalton, Dannelly, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---41.

Voting in the negative: Senators Berger of Rockingham, Brock, East and Forrester---4.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

H.B. 464 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTIES OF BURKE, CASWELL, GREENE, JONES, AND WAYNE TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, for adoption.

Upon motion of Senator Kerr, 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. 540 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS, MOTOR FUELS TAX LAWS, AND RELATED STATUTES, as amended by a material amendment on July 10, upon third reading.

The Committee Substitute bill, as amended, 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, Boseman, Brock, Brown, Brunstetter, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

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H.B. 463 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS.

Upon motion of Senator Hoyle, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

H.B. 1016 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS, TO MAKE CORRESPONDING CHANGES TO STATE AND LOCAL REVENUE STREAMS, TO PROVIDE A NONREFUNDABLE EARNED INCOME TAX CREDIT, AND TO TAX ANNUITIES IN THE SAME MANNER AS OTHER INSURANCE PRODUCTS, as amended by a material amendment on July 11, upon second reading.

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 27, noes 18, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Dalton, Dannelly, Foriest, Garrou, Goss, Graham, Hagan, Hoyle, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Swindell and Weinstein---27.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Smith, Stevens and Tillman---18.

The Senate Committee Substitute bill, as amended, is ordered engrossed before third reading and remains on the Calendar for Monday, July 16, upon third reading.

H.B. 17 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE DELIVERY OF EDUCATIONAL AND OTHER SERVICES TO STUDENTS WITH DISABILITIES AT THE HIGH SCHOOL LEVEL AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 18 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO CLARIFY THE DEFINITION OF RESIDENCE FOR THE DELIVERY OF SPECIAL EDUCATION SERVICES.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives for concurrence.

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H.B. 26, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REPORT ON THE EFFICACY OF THE PREPARATION OF TEACHERS TO TEACH STUDENTS WITH DISABILITIES.

The bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 232 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY STRATEGIES FOR RECOVERING COSTS DUE TO DAMAGED AND LOST TEXTBOOKS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee**:

S.B. 119 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT EMPLOYEES OF THE DEPARTMENT OF DEFENSE AND THEIR DEPENDENTS SHALL QUALIFY FOR THE IN-STATE TUITION RATE, with a favorable report.

S.B. 1275, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PISGAH ASTRONOMICAL RESEARCH INSTITUTE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55535, is adopted and engrossed.

S.B. 1518, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE JEANNE LUCAS SCHOLARSHIP FUND AT NORTH CAROLINA CENTRAL UNIVERSITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85352, which changes the title to read **S.B. 1518** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOCATE FUNDS TO ESTABLISH THE JEANNE LUCAS SCHOLARSHIP FUND AT NORTH CAROLINA CENTRAL UNIVERSITY, is adopted and engrossed.

H.B. 958, A BILL TO BE ENTITLED AN ACT ADOPTING THE AMERICAN BULLFROG AS THE OFFICIAL AMPHIBIAN OF THE STATE

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OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60382, which changes the title upon concurrence to read **H.B. 958** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE GRAVEYARD OF THE ATLANTIC MUSEUM AS A MEMBER OF THE STATE HISTORY MUSEUMS DIVISION IN THE DEPARTMENT OF CULTURAL RESOURCES, is adopted and engrossed.

S.B. 1068 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE E-NC AUTHORITY, TO INCREASE THE DISTRIBUTION TO LOCAL GOVERNMENTS OF THE SALES TAX ON TELECOMMUNICATIONS AND VIDEO PROGRAMMING SERVICES AND TO EARMARK A PORTION OF THE STATE'S SHARE OF THE SALES TAX ON THESE SERVICES FOR GRANTS FOR BROADBAND CONNECTIVITY, PEG CHANNELS, AND COMMUNITY MEDIA CENTERS, 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, 35413, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 292 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO STUDY AND UNDERTAKE PRELIMINARY DESIGN WORK FOR A REPLACEMENT FOR THE YADKIN RIVER BRIDGE, as amended by the Transportation Committee on July 11.

The Committee Substitute bill, as amended, passes its second (43-3) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1

H.B. 731 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS PURCHASING ANNUITY PRODUCTS; ADDRESS PORTABILITY IN ACCIDENT AND HEALTH AND LIFE INSURANCE; MAKE MINOR CHANGES IN THE LAWS ON MANAGED CARE EXTERNAL REVIEWS; CLARIFY DEFINITIONS IN LONG-TERM CARE INSURANCE; ADDRESS SMALL EMPLOYER CARRIER PLAN ELECTIONS; DEFINE "CRITICAL PERIOD CONVERSION RATIO" FOR CREDIT INSURANCE; MAKE MISCELLANEOUS AMENDMENTS TO OTHER PROVISIONS RELATED TO LIFE AND HEALTH INSURANCE; AND MAKE TECHNICAL CORRECTIONS IN INSURANCE CODE REFERENCES TO THE TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives for concurrence.

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H.B. 749 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT EFFICIENCIES WITHIN THE UNIVERSITY SYSTEM AND STATE GOVERNMENT AS RECOMMENDED BY THE PRESIDENT'S ADVISORY COMMITTEE ON EFFICIENCY AND EFFECTIVENESS (PACE).

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 1025, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EMPLOYERS TO AMORTIZE THE PAYMENT OF THE COST OF PROBATIONARY EMPLOYMENT FOR MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 16.

H.B. 1330 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN EXEMPTION FROM THE REQUIREMENT THAT A BACKSEAT PASSENGER WEAR A SEAT BELT WHILE BEING TRANSPORTED BY A LAW ENFORCEMENT OFFICER.

The Committee Substitute bill passes its second (45-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1357, A BILL TO BE ENTITLED AN ACT TO ALLOW A CHILD WHO IS NOT A DOMICILIARY OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND, WITHOUT PAYMENT OF TUITION, THE PUBLIC SCHOOLS OF THAT UNIT IF THE CHILD RESIDES WITH AN ADULT WHO IS A DOMICILIARY OF THAT UNIT BECAUSE THE CHILD'S PARENT OR GUARDIAN HAS BEEN CALLED TO ACTIVE MILITARY DUTY OR ACTIVE DUTY WITH THE NATIONAL GUARD.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1400 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE TAKING OR RECOVERY OF HUMAN TISSUE AT A FUNERAL ESTABLISHMENT BY ANY PERSON, WITH CERTAIN EXCEPTIONS.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 1097 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL AND THE CITY OF ASHEVILLE TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION, temporarily displaced earlier today.

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Senator Kinnaird offers Amendment No. 1 which is adopted (46-0), and changes the title upon concurrence to read **H.B. 1097** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION.

The Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1412, A BILL TO BE ENTITLED AN ACT TO CLARIFY VETERANS PREFERENCE WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1413 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE DESIGNATED APPOINTMENT OF A VETERAN OF THE ARMED FORCES TO THE STATE PERSONNEL COMMISSION.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1546 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A COMMERCIAL DRIVERS LICENSE THAT HAS A SCHOOL BUS ENDORSEMENT TO EXPIRE THREE YEARS AFTER IT IS ISSUED.

The Senate Committee Substitute bill passes its second reading (46-0).

Senator Berger of Rockingham objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, July 16, upon third reading.

H.B. 1646 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTIES FOR VIOLATIONS OF LAWS TO PROTECT AIR QUALITY.

The Senate Committee Substitute bill passes its second (43-3) and third readings and is ordered sent to the House of Representatives for concurrence.

S.B. 527 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BUSINESSES THAT SELL PRODUCTS OR SERVICES TO CONSUMERS PURSUANT TO CONTRACTS THAT AUTOMATICALLY RENEW UNLESS THE CONSUMERS CANCEL THE CONTRACTS TO DISCLOSE THE RENEWAL CLAUSES, for concurrence in House Amendment No. 1.

Upon motion of Senator Berger of Franklin, the Senate concurs in House Amendment No. 1 (46-0) and the bill is ordered enrolled and sent to the Governor.

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S.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A FRAMEWORK FOR A REACHING ONE'S POTENTIAL FOR EXCELLENCE (ROPE) SCHOLARS PROGRAM, for concurrence in House Amendment No. 1

Upon motion of Senator Dalton, the Senate concurs in House Amendment No. 1 (46-0) and the bill is ordered enrolled and sent to the Governor.

H.B. 648 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REVISE AND RECODIFY THE LAW AUTHORIZING THE DIVISION OF CORRECTION ENTERPRISES WITHIN THE DEPARTMENT OF CORRECTION, for adoption.

Upon motion of Senator Jones, 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.

H.B. 463 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS, temporarily displaced earlier today, upon second reading.

The Committee Substitute bill No. 2 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, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, East, Foriest, Forrester, Garrou, Goodall, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein--45.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for Monday, July 16, upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 384 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE LAWS PERTAINING TO THE FISCAL OPERATIONS OF THE COMMUNITY COLLEGE SYSTEM.

Pursuant to the message from the House of Representatives received July 3 that the House fails to concur in Senate Amendment No. 1 for H.B. 384 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Albertson, Chair, Senator Dannelly and Senator Blake 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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APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 956 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS.

Pursuant to the message from the House of Representatives received July 10 that the House fails to concur in the Senate Committee Substitute bill for H.B. 956 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Malone, Chair, Senator Swindell 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.

CONFERENCE REPORT

Senator Dalton, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 135** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DEALER PLATES WITH A SYMBOL NOTING THAT THE HOLDER IS A MANUFACTURER, TO EXEMPT MANUFACTURERS FROM THE RESTRICTIONS ON THE NUMBER OF DEALER PLATES THAT MAY BE ISSUED TO THEM, AND TO CLARIFY THAT THE DIVISION MAY ISSUE A DEALER PLATE IN A SUITABLY REDUCED SIZE FOR MOTORCYCLE DEALERS AND MANUFACTURERS, 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 135, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DEALER PLATES WITH A SYMBOL NOTING THAT THE HOLDER IS A MANUFACTURER, TO EXEMPT MANUFACTURERS FROM THE RESTRICTIONS ON THE NUMBER OF DEALER PLATES THAT MAY BE ISSUED TO THEM, AND TO CLARIFY THAT THE DIVISION MAY ISSUE A DEALER PLATE IN A SUITABLY REDUCED SIZE FOR MOTORCYCLE DEALERS AND MANUFACTURERS, Senate Finance Committee Substitute Adopted 6/28/07, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 6/28/07, and the House concurs in the Senate Finance Committee Substitute as amended:

On page 4, line 13, by rewriting the line to read:
"**SECTION 2.** This act is effective when it becomes law."

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The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 11, 2007.

Conferees for the Senate *Conferees for the House of Representatives*

S/Walter H. Dalton
S/Kay R. Hagan
S/Bob Atwater

S/Tim Moore
S/Debbie A. Clary
S/Nelson Cole
S/Bob England, M.D.

Upon motion of Senator Dalton, the Conference Report is placed on the Calendar for July 17, for adoption.

Upon motion of Senator Basnight, seconded by Senator Nesbitt, the Senate adjourns subject to reading of messages from the House of Representatives and receipt of Conference Reports and ratification of bills to meet Monday, July 16, at 7:00 P.M.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 91, AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES.

H.B. 183, AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE OR ADDITIONAL TECHNOLOGY WHILE OPERATING A PUBLIC OR PRIVATE SCHOOL BUS, WHILE OPERATING A SCHOOL ACTIVITY BUS, OR WHILE TRANSPORTING STUDENTS FOR HIRE IN ANY VEHICLE.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 635, AN ACT AUTHORIZING THE RANDOLPH COUNTY BOARD OF COMMISSIONERS TO OBTAIN CERTIFIED AUDITS OF VOLUNTEER FIRE DEPARTMENTS, NONPROFIT CORPORATIONS, AND VOLUNTEER ORGANIZATIONS THAT RECEIVE AD VALOREM TAXES.

H.B. 619, AN ACT AUTHORIZING THE TOWN OF LOUISBURG TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN

July 12, 2007

COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO REMOVE OR DEMOLISH THOSE BUILDINGS, AND TO EXEMPT THE TOWN FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 12, 2007

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. 464** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTIES OF BURKE, CASWELL, GREENE, JONES, AND WAYNE TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

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 12, 2007

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. 648** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REVISE AND

July 12, 2007

RECODIFY THE LAW AUTHORIZING THE DIVISION OF CORRECTION
ENTERPRISES WITHIN THE DEPARTMENT OF CORRECTION.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the
Senate adjourns at 3:46 P.M.

NINETY-EIGHTH DAY

Senate Chamber
Monday, July 16, 2007

The Senate meets pursuant to adjournment and is called to order by The
Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence
of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, grant special grace this week to the Senate family, still strong in
their convictions but probably wearied by the demands of the Session. May the
breath of your spirit renew all who labor here, physically, emotionally, and
intellectually. The prophet Isaiah spoke these words from you, 'I will lead you
by a road you do not know by paths you have not known. I will guide you. I will
turn the darkness before you into light, the rough places into level ground.' Let it
be so, O God. Amen."

The Chair grants leaves of absence for tonight to Senator Dalton, Senator
Graham and Senator Queen.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal
of Thursday, 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.

July 16, 2007

The Chair extends privileges of the floor to Betsy Gidley from Greenville, North Carolina and Rex Anne Davis from Grifton, 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. 1016 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS, TO MAKE CORRESPONDING CHANGES TO STATE AND LOCAL REVENUE STREAMS, TO PROVIDE A REFUNDABLE EARNED INCOME TAX CREDIT, AND TO TAX ANNUITIES IN THE SAME MANNER AS OTHER INSURANCE PRODUCTS, upon third reading.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 17, upon third reading.

H.B. 1294 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, July 18.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 1402, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF TRANSPORTATION TO CONSULT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS BEFORE BEGINNING THE DESIGN OR CONSTRUCTION OF NEW WELCOME CENTER BUILDINGS, 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 70583, which changes the title upon concurrence to read **H.B. 1402** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF TRANSPORTATION TO CONSULT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS BEFORE BEGINNING THE DESIGN OR CONSTRUCTION OF NEW WELCOME

July 16, 2007

CENTER OR VISITOR CENTER BUILDINGS AND CLARIFYING THAT THE DEPARTMENT OF TRANSPORTATION MAY PROCEED WITH THE CONSTRUCTION OF VISITOR CENTER BUILDINGS UNDERWAY IN RANDOLPH AND WILKES COUNTIES, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 730, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAWS GOVERNING MEDIATION OF PROPERTY INSURANCE CLAIMS ARISING OUT OF DISASTERS, with a favorable report.

H.B. 563 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN MOTOR VEHICLE LAW REGARDING THE WEARING OF A SAFETY HELMET BY USE OF A RETENTION STRAP, WHAT "PUBLIC SERVICE VEHICLE" MEANS, CHANGING THE WORD STOPLIGHT TO TRAFFIC SIGNAL, AND CHANGING THE TIME ALLOWED FOR REMOVAL OF A VEHICLE FROM A PUBLIC HIGHWAY OR REST AREA, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80465, which changes the title upon concurrence to read **H.B. 563** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN MOTOR VEHICLE LAW REGARDING WHAT "PUBLIC SERVICE VEHICLE" MEANS, CHANGING THE WORD STOPLIGHT TO TRAFFIC SIGNAL, CHANGING THE TIME ALLOWED FOR REMOVAL OF A VEHICLE FROM A PUBLIC HIGHWAY OR REST AREA, AND AUTHORIZING LOCAL GOVERNMENTS TO ADOPT ORDINANCES REGULATING DEMONSTRATIONS ON STATE ROADS AND HIGHWAYS, is adopted and engrossed.

H.B. 1277 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REVOCATION OF THE DRIVERS LICENSE OF ANY PERSON CONVICTED OF GIVING ALCOHOLIC BEVERAGES TO, OR AIDING AND ABETTING THE PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES BY, AN UNDERAGE PERSON AND TO ALLOW FOR A LIMITED DRIVING PRIVILEGE, 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 50741, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 154 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF DALLAS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

July 16, 2007

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 39, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Malone, Nesbitt, Preston, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell and Weinstein---39.

Voting in the negative: Senators Brock, East, Forrester, Pittenger and Tillman---5.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 1250, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF DURHAM, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Malone, Nesbitt, Pittenger, Preston, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 1518 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOCATE FUNDS TO ESTABLISH THE JEANNE LUCAS SCHOLARSHIP FUND AT NORTH CAROLINA CENTRAL UNIVERSITY.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 17.

WITHDRAWAL FROM COMMITTEE

H.B. 589 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE POULTRY PRODUCTS INSPECTION ACT, referred to the **Finance Committee** on June 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the Calendar for Wednesday, July 18, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Finance Committee** and places it on the Calendar for Wednesday, July 18.

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CALENDAR (*continued*)

S.B. 282 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 40, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Malone, Nesbitt, Preston, Purcell, Rand, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---40.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.

The Committee Substitute bill remains on the Calendar for Tuesday, July 17, upon third reading.

S.J.R. 1568, A JOINT RESOLUTION HONORING THE MEMORY OF JULIAN G. WHITENER, FORMER MAYOR OF THE CITY OF HICKORY, ON THE OCCASION OF HICKORY BEING NAMED A 2007 ALL-AMERICA CITY.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Upon motion of Senator Allran, 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 sent to the House of Representatives by special message.

Upon motion of Senator Allran, the Chair extends the courtesies of the gallery to Mandy Pitts, City of Hickory Public Information Officer/All-America City team leader; Nancy Whitener Willingham, daughter of Mayor Julian G. Whitener; Charles Willingham, son-in-law of Mayor Julian G. Whitener; David Willingham, grandson of Mayor Julian G. Whitener; and Thomas Willingham, grandson of Mayor Julian G. Whitener.

S.B. 1068 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE E-NC AUTHORITY, TO INCREASE THE DISTRIBUTION TO LOCAL GOVERNMENTS OF THE SALES TAX ON TELECOMMUNICATIONS AND VIDEO PROGRAMMING SERVICES AND TO EARMARK A PORTION OF THE STATE'S SHARE OF THE SALES TAX ON THESE SERVICES FOR GRANTS FOR BROADBAND CONNECTIVITY, PEG CHANNELS, AND COMMUNITY MEDIA CENTERS.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 17.

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S.B. 442 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CASWELL COUNTY AND THE TOWN OF YANCEYVILLE TO LEVY A ROOM OCCUPANCY TAX, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Foriest, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---42.

Voting in the negative: Senators Berger of Rockingham, Brock, East, Forrester and Pittenger---5.

The House Committee Substitute bill is ordered enrolled.

H.B. 463 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

S.B. 119 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT EMPLOYEES OF THE DEPARTMENT OF DEFENSE AND THEIR DEPENDENTS SHALL QUALIFY FOR THE IN-STATE TUITION RATE.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1275 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PISGAH ASTRONOMICAL RESEARCH INSTITUTE.

The Committee Substitute passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

July 16, 2007

H.B. 958 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE GRAVEYARD OF THE ATLANTIC MUSEUM AS A MEMBER OF THE STATE HISTORY MUSEUMS DIVISION IN 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 for concurrence.

H.B. 1025, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EMPLOYERS TO AMORTIZE THE PAYMENT OF THE COST OF PROBATIONARY EMPLOYMENT FOR MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1546 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A COMMERCIAL DRIVERS LICENSE THAT HAS A SCHOOL BUS ENDORSEMENT TO EXPIRE THREE YEARS AFTER IT IS ISSUED.

The Senate Committee Substitute bill passes its third reading (47-0) and is ordered sent to the House of Representatives for concurrence.

WITHDRAWAL FROM COMMITTEE

H.B. 904 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ANY PERSON APPLYING FOR A DUPLICATE SPECIAL IDENTIFICATION CARD, LEARNER'S PERMIT, OR DRIVERS LICENSE THAT WAS ISSUED BY USING AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER BE REQUIRED TO PRODUCE A VALID SOCIAL SECURITY NUMBER, referred to the **Judiciary II Committee** on May 16.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Judiciary II Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 527, AN ACT TO REQUIRE BUSINESSES THAT SELL PRODUCTS OR SERVICES TO CONSUMERS PURSUANT TO CONTRACTS THAT AUTOMATICALLY RENEW UNLESS THE CONSUMERS CANCEL THE CONTRACTS TO DISCLOSE THE RENEWAL CLAUSES.

July 16, 2007

S.B. 630, AN ACT TO AUTHORIZE THE NORTH CAROLINA ARBORETUM TO ESTABLISH A CAMPUS LAW ENFORCEMENT AGENCY.

S.B. 670, AN ACT TO PROVIDE THAT CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS, COVENANTS, AND OTHER SIMILAR AGREEMENTS CANNOT PROHIBIT OR HAVE THE EFFECT OF PROHIBITING THE INSTALLATION OF SOLAR COLLECTORS NOT FACING PUBLIC ACCESS OR COMMON AREAS ON DETACHED SINGLE-FAMILY RESIDENCES.

S.B. 753, AN ACT DESIGNATING THE MONTH OF OCTOBER AS DISABILITY HISTORY AND AWARENESS MONTH AND REQUIRING LOCAL BOARDS OF EDUCATION TO PROVIDE INSTRUCTION ON DISABILITY HISTORY AND AWARENESS.

S.B. 876, AN ACT INCREASING THE AMOUNT OF TIME AN AGENCY HAS TO REQUEST A REVIEW OF A DECISION BY THE STATE CHIEF INFORMATION OFFICER TO DENY OR SUSPEND APPROVAL OF AN INFORMATION TECHNOLOGY PROJECT OR DENY A REQUEST FOR A DEVIATION.

S.B. 879, AN ACT PROVIDING FOR ADDITIONAL PROJECT MANAGERS ON INFORMATION TECHNOLOGY PROJECTS AND INCREASING THE THRESHOLD FOR THE MANDATORY DESIGNATION OF PROJECT MANAGER ASSISTANTS BY THE STATE CHIEF INFORMATION OFFICER.

S.B. 884, 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.

S.B. 1030, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A FRAMEWORK FOR A REACHING ONE'S POTENTIAL FOR EXCELLENCE (ROPE) SCHOLARS PROGRAM.

H.B. 26, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REPORT ON THE EFFICACY OF THE PREPARATION OF TEACHERS TO TEACH STUDENTS WITH DISABILITIES.

July 16, 2007

H.B. 232, AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY STRATEGIES FOR RECOVERING COSTS DUE TO DAMAGED AND LOST TEXTBOOKS.

H.B. 648, AN ACT TO REVISE AND RECODIFY THE LAW AUTHORIZING THE DIVISION OF CORRECTION ENTERPRISES WITHIN THE DEPARTMENT OF CORRECTION.

H.B. 698, AN ACT TO AMEND EXISTING CHILD WELFARE LAWS TO COMPLY WITH FEDERAL LAW AND REGULATIONS.

H.B. 973, AN ACT TO REQUIRE MANDATORY HEALTH INSURANCE COVERAGE OF CERTAIN MENTAL ILLNESSES AND TO REQUIRE AT LEAST A MINIMUM BENEFIT PACKAGE FOR OTHER MENTAL ILLNESSES.

H.B. 1330, AN ACT TO PROVIDE AN EXEMPTION FROM THE REQUIREMENT THAT A BACKSEAT PASSENGER WEAR A SEAT BELT WHILE BEING TRANSPORTED BY A LAW ENFORCEMENT OFFICER.

H.B. 1357, AN ACT TO ALLOW A CHILD WHO IS NOT A DOMICILIARY OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND, WITHOUT PAYMENT OF TUITION, THE PUBLIC SCHOOLS OF THAT UNIT IF THE CHILD RESIDES WITH AN ADULT WHO IS A DOMICILIARY OF THAT UNIT BECAUSE THE CHILD'S PARENT OR GUARDIAN HAS BEEN CALLED TO ACTIVE MILITARY DUTY OR ACTIVE DUTY WITH THE NATIONAL GUARD.

H.B. 1412, AN ACT TO CLARIFY VETERANS PREFERENCE WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS.

H.B. 1413, AN ACT PROVIDING FOR THE DESIGNATED APPOINTMENT OF A VETERAN OF THE ARMED FORCES TO THE STATE PERSONNEL COMMISSION.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 607, AN ACT AUTHORIZING THE CITY OF DURHAM TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS.

S.B. 608, AN ACT AUTHORIZING THE CITY OF DURHAM TO EXPEDITE REMOVAL OF REFUSE AND DEBRIS, AND OVERGROWN VEGETATION, BY AMENDING THE DEFINITION OF CHRONIC VIOLATOR.

July 16, 2007

H.B. 464, AN ACT TO AUTHORIZE THE COUNTIES OF BURKE, CASWELL, GREENE, JONES, AND WAYNE TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

H.B. 483, AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM.

H.B. 792, AN ACT TO AUTHORIZE NORTHAMPTON COUNTY TO LEVY A ROOM OCCUPANCY TAX.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 1350, AN ACT TO CLARIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS. (Became law upon approval of the Governor, July 11, 2007 - S.L. 2007-209.)

H.B. 244, AN ACT TO PROVIDE FOR EQUITY BETWEEN THE PARTIES WITH RESPECT TO JUROR CHALLENGES IN CIVIL CASES. (Became law upon approval of the Governor, July 11, 2007 - S.L. 2007-210.)

H.B. 995, AN ACT TO INCREASE THE PENALTY FOR THE MALICIOUS, INTENTIONAL STARVATION OF AN ANIMAL AND MAKE OTHER CHANGES TO THE ANIMAL CRUELTY STATUTE. (Became law upon approval of the Governor, July 11, 2007 - S.L. 2007-211.)

H.B. 21, AN ACT TO CLARIFY THE COURT'S DISCRETION TO ALLOW COURT COSTS. (Became law upon approval of the Governor, July 11, 2007 - S.L. 2007-212.)

H.B. 29, AN ACT TO CLARIFY THE PROCEDURE FOR SATELLITE-BASED MONITORING OF SEX OFFENDERS AND TO MAKE OTHER CHANGES TO THE SEX OFFENDER LAWS. (Became law upon approval of the Governor, July 11, 2007 - S.L. 2007-213.)

H.B. 530, AN ACT AUTHORIZING HARNETT COUNTY TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT EXPANSION PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES. (Became law upon ratification, July 12, 2007 - S.L. 2007-214.)

July 16, 2007

H.B. 638, AN ACT TO AUTHORIZE THE CITY OF KING AND THE TOWN OF MAIDEN TO ALLOW LAW ENFORCEMENT OFFICERS AND MUNICIPAL EMPLOYEES TO USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS AND TO USE GOLF CARTS ON PUBLIC STREETS AND HIGHWAYS, OR ANY PROPERTY OWNED OR LEASED BY THE CITY OR TOWN. (Became law upon ratification, July 12, 2007 - S.L. 2007-215.)

H.B. 619, AN ACT AUTHORIZING THE TOWN OF LOUISBURG TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO REMOVE OR DEMOLISH THOSE BUILDINGS, AND TO EXEMPT THE TOWN FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT. (Became law upon ratification, July 12, 2007 - S.L. 2007-216.)

H.B. 635, AN ACT AUTHORIZING THE RANDOLPH COUNTY BOARD OF COMMISSIONERS TO OBTAIN CERTIFIED AUDITS OF VOLUNTEER FIRE DEPARTMENTS, NONPROFIT CORPORATIONS, AND VOLUNTEER ORGANIZATIONS THAT RECEIVE AD VALOREM TAXES. (Became law upon ratification, July 12, 2007 - S.L. 2007-217.)

S.B. 226, AN ACT TO ALLOW THE CITY OF WILMINGTON TO USE CIVILIAN TRAFFIC INVESTIGATORS TO INVESTIGATE PROPERTY DAMAGE CRASHES. (Became law upon ratification, July 12, 2007 - S.L. 2007-218.)

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

James Allison, Statesville; Alex Babbitt, Statesville; Jordan Baskett, Raleigh; Christian Berry, Hickory; Andrea Chambliss, Durham; Coleman Cox, Kinston; Jordan Grimes, Kinston; Brice Hamby, Greenville; Bayly Hassell, Greensboro; Will Hodgkins, Cherryville; Deona King, Durham; Courtney Kivett, Liberty; Andray Lineberger, Gastonia; Torie Lucas, China Grove; Meg McNeill, Greensboro; Allie Rawl, Greenville; David Richardson, Winterville; John Rose, Cary; Andrew Rowland, Raleigh; Mary Rudolf, Greensboro; Jonathan Rhyne, Gastonia; Olivia Schoeff, Hendersonville; Emily Sigmon, Conover; Kara Simpson, Gastonia; Reed Small, Elizabeth City; Reid Soles, Greensboro; Jordan Stallings, Cary; John Taylor, Raleigh; Alex White, Greenville; Terrell White, Gastonia; and Thomas Yarboro, Jr., Goldsboro.

July 16, 2007

ADDITIONAL SPONSOR

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 119, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT EMPLOYEES OF THE DEPARTMENT OF DEFENSE AND THEIR DEPENDENTS SHALL QUALIFY FOR THE IN-STATE TUITION RATE.

S.B. 1518, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE JEANNE LUCAS SCHOLARSHIP FUND AT NORTH CAROLINA CENTRAL UNIVERSITY.

Upon motion of Senator Dannelly, seconded by Senator Weinstein, the Senate adjourns at 7:44 P.M. subject to reading of messages from the House of Representatives, to meet Tuesday, July 17, at 3:00 P.M.

NINETY-NINTH DAY

Senate Chamber
Tuesday, July 17, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, in Holy Scripture we are reminded that Jacob cheated Esau, Joseph's brothers sold him for twenty shekels, the prodigal's elder brother couldn't stand being in the same room with him when he returned. I'm afraid we are a lot like that, afraid someone is loved more and favored more, given and forgiven more. Somehow signals are crossed, opportunities are missed, messages are unheard or unheeded. Remind us that we all have pretty much the same fears and hopes. In this life we come from the same place and are headed in the same direction. Who among us can remain unmoved by the thought of how the world might be if we managed things under your guidance rather than our own. In your holy name we pray. Amen."

The Chair grants a leave of absence for today to Senator Brunstetter.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, July 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The Chair extends privileges of the floor to Dr. Robert Crummie from Rutherfordton, North Carolina, who is serving the Senate as Doctor of the Day, and to Regina Wyatt, from Wilson, North Carolina and Charla Holbrook from Greenville, North Carolina, who are serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 463, AN ACT TO MODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS.

H.B. 1025, AN ACT TO AUTHORIZE EMPLOYERS TO AMORTIZE THE PAYMENT OF THE COST OF PROBATIONARY EMPLOYMENT FOR MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

H.B. 1555, AN ACT PROVIDING FOUR-YEAR TERMS FOR ALL APPOINTMENTS TO THE PROPERTY TAX COMMISSION.

The Enrolling Clerk reports the following bills and a joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 442, AN ACT TO AUTHORIZE CASWELL COUNTY AND THE TOWN OF YANCEYVILLE TO LEVY A ROOM OCCUPANCY TAX.

H.B. 1250, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF DURHAM.

S.J.R. 1568, A JOINT RESOLUTION HONORING THE MEMORY OF JULIAN G. WHITENER, FORMER MAYOR OF THE CITY OF HICKORY, ON THE OCCASION OF HICKORY BEING NAMED A 2007 ALL-AMERICA CITY. (Res. 56)

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. 607, AN ACT AUTHORIZING THE CITY OF DURHAM TO ORDER DWELLINGS DETERMINED UNFIT FOR HUMAN HABITATION REPAIRED OR DEMOLISHED AFTER A PERIOD OF SIX MONTHS. (Became law upon ratification, July 16, 2007 - S.L. 2007-219.)

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S.B. 608, AN ACT AUTHORIZING THE CITY OF DURHAM TO EXPEDITE REMOVAL OF REFUSE AND DEBRIS, AND OVERGROWN VEGETATION, BY AMENDING THE DEFINITION OF CHRONIC VIOLATOR. (Became law upon ratification, July 16, 2007 - S.L. 2007-220.)

H.B. 464, AN ACT TO AUTHORIZE THE COUNTIES OF BURKE, CASWELL, GREENE, JONES, AND WAYNE TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY. (Became law upon ratification, July 16, 2007 - S.L. 2007-221.)

H.B. 483, AN ACT TO DEFINE A UNIFORM PROGRAM OF PUBLIC CAMPAIGN FINANCING AND TO AUTHORIZE THE TOWN OF CHAPEL HILL TO CONDUCT SUCH A PROGRAM. (Became law upon ratification, July 16, 2007 - S.L. 2007-222.)

H.B. 792, AN ACT TO AUTHORIZE NORTHAMPTON COUNTY TO LEVY A ROOM OCCUPANCY TAX. (Became law upon ratification, July 16, 2007 - S.L. 2007-223.)

BILLS SENT TO THE HOUSE OF REPRESENTATIVES

With unanimous consent, upon motion of Senator Rand, all bills passed by the Senate for the remainder of this Session and ordered sent to the House of Representatives will be sent by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT OF 2005, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.J.R. 1566, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SENATOR JEANNE HOPKINS LUCAS.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is taken up out of its regular order of business and placed before the Senate for immediate consideration.

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Upon motion of Senator Dorsett, the joint resolution is read in its entirety and, upon motion of Senator Forrester, the remarks of the members are spread upon the Journal, as follows:

Senator Dorsett:

“Ladies and gentlemen of the Senate and to our distinguished guests and family and friends of Jeanne Hopkins Lucas, anyone who knows Jeanne Lucas would not be surprised to know that she was born on Christmas Day. I can think of no more appropriate date for her to be brought into this world. She was always so full of joy, so confident in the Lord and His ways and so willing to give to others. Jeanne grew up with a strong female influence in her life and surely we know how strong she was, as well, not just during her battle with cancer but throughout her entire life. Even when she walked through the valley of the shadow of death, she was strong and courageous. Jeanne was not afraid to die, but she really wanted to live. She never let you know her pain and she lived life to its fullest until the end. Her long and impressive career in education both at Hillside High School and in the Durham County public school system gave her the opportunity to teach and mentor countless young people in Durham. It gave her a chance to open their eyes to all of the world and what it had to offer them and it gave her the occasion to lead by example and not just by the textbook. Though she left the school system in 1993, Jeanne never stopped teaching. As the first African-American woman to serve in the State Senate and later to serve as the first African-American majority whip, she was a trailblazer in every sense of the word. But her life in public service was not about just being first. It was about being the best elected official that she could be. Her priorities in the Senate included improving education and health care, helping those who could not help themselves, and creating opportunities for those who could help themselves if they just had the chance. These are priorities that we all are so proud to share with Jeanne and as the General Assembly wrestled and wrangled with how to achieve those priorities, sometimes the debate, as you know, would get rather tense. And Jeanne, like nobody else I’ve ever seen, would speak strong and inspiring words in her calming lilting voice in order to diffuse the tension and to remind us all of the greater goal that we were working toward together. If that tactic didn’t work and on rare occasions it didn’t work, Jeanne would always resort to her jokes and that usually worked as you would remember. I know a lot of you here will want to talk about what Jeanne meant to you personally, so I’m going to conclude my remarks. I continue to miss her strength and wisdom as a policy maker, her humor and her kindness as a friend, and her grace and dignity as an inspiration to us all. I believe to the bottom of my heart that Jeanne Lucas was a true angel. You know she always referred to herself as ‘Queen Jeanne’ and I know that we will all be blessed and we have been blessed to have known her. Her seat is now filled by Senator Floyd McKissick who is also from Durham. I ask for your support of this resolution. Thank you.”

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Senator McKissick:

“I’d first like to thank Senator Dorsett for presenting this resolution. I think it’s one that all of us joined in as members of this Body. Certainly, Senator Lucas was one of those role models when it comes to politics in North Carolina that is extremely distinguished by virtue of the fact that she was the first African-American female State Senator. I think most importantly, there’s not much one can add to the words Senator Dorsett has said or to the words in the resolution itself but when you think of Jeanne you think of someone who was articulate, who was eloquent, who was passionate and committed, courageous, was approachable and, most importantly, accessible. She was somebody who did not hesitate to come when called upon and someone who did not hesitate when those controversial times occurred. When people who might have been from low-wealth communities did not have a voice, she was someone who could speak to those issues of concern, someone who was passionate to issues related to education but, most importantly, somebody we could all look to, rely upon, who was an outstanding role model not only for African-American females in this State, but for all politicians in terms of aspiring to the standards she set. I know my first political work with her was when she served as Chairman of the Political Committee of the Durham Committee on the Affairs of Black People. At that particular point in time I served as her co-chair or vice chair and we worked diligently together during that time frame interviewing candidates, asking those tough, difficult questions to make certain that when that organization made endorsements that they were for the issues and people that we could all feel proud of. I know Jeanne was one of those persons who I often stood by, stood with and, yes, shared a joke. She was someone who had an outstanding sense of humor, someone who you knew you could trust and rely upon and someone whose integrity was beyond reproach. I can only say that this Body was privileged to have her serve and the State of North Carolina was privileged to have her serve. Most importantly, we thank her family for sharing her with us. We thank Bill Lucas, her husband. We thank Bernie and Bert and we thank all of those who gifted us with her talents and allowed us to share in her life. At an appropriate time I would like to recognize a few people in the gallery.”

Senator Garrou:

“You young women up there in the gallery, let me say to you that often women are accused of not being willing to reach out and embrace people who join them in a particular body but Senator Lucas reached out to all men and women but particularly, I felt, to women. She included me in conversations and discussions, gave me good advice, always with a good sense of humor. But I think it was an important lesson for me to see because she was an important role in leadership when I came down here as a freshman legislator and I particularly appreciated her advice and her encouraging words and all the kind things she ever said to me. Certainly, she was a delight to be with. You’ve heard about her humor and her wisdom. I miss her so much and I need to just share with you one story about Senator Lucas. I was sitting next to her one day in a committee

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meeting and she leaned over and she tapped me on the shoulder and she looked really serious and I thought, 'Oh, my goodness, what is she going to say.' And she said, 'Garrou, when you lean over, I can see your drawers!' So, that was good advice which I appreciated her sharing with me. We all need fashion police and we miss Senator Lucas. Thank you."

Senator Swindell:

"I cannot top that story nor shall I try! I probably knew Jeanne Lucas as long as or maybe longer than most people on this floor because we became friends in 1975. In 1976, she was President of the ACT in Durham when she was at Hillside and I was President of the NCEA at that time in Granville County. We became very dear friends, we were extremely close and then we had time to get together once again when I worked with Tim Valentine when he represented Durham County. But the thing that really I remember most about Jeanne, she never changed over all those years. She was the absolute same in 1975 as she was when she was here the last days with us. When the Pro Tem and the leadership gave me the opportunity to serve with her on Education as co-chair, that was quite a joy. Since 1975, she had always called me 'Sweeny' and so when I heard 'Sweeny, do this, Sweeny, do that,' it took me back through all the years. Bill, I say to you, and I saw Lavonia up there, too, with the people with the Durham Committee that were so active and that I had a lot of dealings with and were always so cordial, but when we sat there at the tables doing the Education budget in the final year, Jeanne would have a little heater down by her feet and Christine Leggett would give her her sweater and she would wrap up in the sweater but she would not miss a meeting doing the budget. When I would think that I had something, I would say, 'Well, why don't we do so and so?' She would look up very gingerly and say, 'Sweeny, we're not going to do that.' I would say, 'Yes, ma'am.' Every now and then when you would think you might have a 'one-up' you never did. Then she would calm down the staff and she would have them walk back through what we were doing. So I say to you thank you for allowing me to speak. Bill, to you and the family and to the sisters, she was a grand friend, she was a great lady, and she was an extreme joy for everyone who knew her. Thank you."

Senator Albertson:

"Members of the Senate, you could not help but love Jeanne Lucas. She was just a wonderful person. There are several things I will always remember about her. She would sit down here in the seat where Senator Jones is sitting and almost every day I would see her coming in or going out. She pronounced my name unlike anybody else I'd ever heard say it. She called me 'Abberson' and just had a special way of saying it. Jeanne always loved a good story. I can hear her laughing and she could tell you a good story so she was always delightful and it was always good to be in her presence. The other thing that I will always remember about her, I called her the 'lady with the golden voice.' I think that of all the people I've ever heard speak, she had the most beautiful, loving voice of any person I've ever met in my life and that's why I always referred to her as the

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'lady with the golden voice.' She was a wonderful lady. Jeanne, I know you are looking down on us right now. We all love you and I commend the resolution to you."

Senator Dalton:

"Members of the Senate, Jeanne Lucas was indeed a great lady. I think we are all blessed to have known her and to have served with her. It was my honor and privilege to serve with her as co-chair of Education for four years and she was a great champion of education, a former teacher, a former administrator. Many of you may not have remembered that she taught Spanish and spoke Spanish fluently and whenever she wanted to seize the moment when other people were talking, she'd start talking Spanish. Nobody knew what she was saying and we all had to stop, and say 'Jeanne, what are you talking about?' Then she had the moment and she had the floor. It was my honor and privilege to sit next to Jeanne for two years and that was a marvelous experience because when any of you got on the floor oftentimes she had a running commentary under her breath about what was going on and a lot of that commentary, I must admit, was reserved for Senator Webster when he was here! It was indeed an experience to sit next to her. Jeanne was a hero to a lot of people and to many in this Chamber. She had an innate ability to know when she needed to come to the rescue. The Lieutenant Governor mentioned that at her service and I know there were times when she came to my rescue many times. She was a hero to so many people, to her constituents, to the people of North Carolina and to the people of Rutherford County. One day Rita Burch who is the Director of Hospice in Rutherford County called me. She was very upset because they had applied for some additional beds and they had been denied a certificate of need. She was so upset and so I said, 'Well, what's the procedure, Rita?' She said there's an appeal and there's a committee and I said, 'Well, who is on the committee?' She said would you know Senator Jeanne Lucas? I said, 'Absolutely, I know Jeanne.' I called Jeanne and said, 'Jeanne, something is coming up. I just ask for you to hear it but please let Rita Burch be heard.' Evidently it was very traditional that they rubber-stamp whatever the agency wanted. When they brought it up some person immediately moved to adopt the agency's report and Jeanne said, 'Wait a minute, we have got to hear Rita.' They heard Rita and that certificate of need was granted by the same person who was making the motion before and those beds are there in Rutherford County because of Jeanne Lucas doing a great job for the people of Rutherford County. Jeanne loved people, she loved this Senate and she loved Senator Basnight because of his vision and because of his respect for every person. She very much appreciated that. I knew when she was absent that something was wrong. Jeanne never missed a vote and I also knew when Jeanne was absent her heart was right here in the North Carolina Senate. So, as long as we go about our business protecting children, as long as we go about our business providing educational opportunities for our children, as long as we respect others, as long as we laugh at ourselves and as long as we live life to the fullest, we will honor the life of Jeanne Lucas because that is what she was about. I commend this resolution to you."

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Senator Allran:

“Members of the Senate, like everybody else, I really do miss Senator Lucas. As I saw this resolution, I guess I thought I really liked the word ‘charmer’ that they called her. I am into the concept of her as a personality. It’s like you could go into a room and if she was there she could kind of like dominate the room in a way. She just had this big smile on her face and this personality. She was so extroverted and I appreciated her friendliness so much, her smile. Somebody has mentioned she had a 100% attendance record here at the State Senate. She never missed. She sat here at this desk during some of her tenure here which is an honor to me. I wanted to mention a few things that are special to me about her. One of them is the way that has been mentioned by a few people that she called people by nicknames which I thought was very appealing. I’ve had a lot of nicknames over the years but she is the only person who ever called me ‘All.’ She just always said ‘All’ which I thought was just great. Another thing I appreciate was that I haven’t done that many chapel services here. I’ve only done a few of them and I don’t know that she did many but I just said one day, ‘Jeanne, you and I ought to do a chapel service together. I think that would be great.’ She said, ‘I would be honored, All.’ So we had a chapel service which meant a lot to me and it was recorded and I have kept that recording of that service. Another thing that I liked a lot about Jeanne and will miss is she liked movies and she said to me one day, ‘This has been a long day. I’m going to go home, kick back, put my feet up and watch *Ben Hur*.’ She said, ‘I’ve got about a hundred movies that I own and so I have a stress-free life. Whenever I get worn out I just go watch a movie.’ From that time on, I started collecting movies and she inspired me to do that and now I share them with some of the people here at the legislature. Another thing about Jeanne is that she and her sister, Bernie, gave me a plant out of their office a few years ago and I took that plant and planted it and put it on my sun porch and now it has covered up a whole wall. So every Sunday I have to water that thing and every Sunday I think about how Jeanne and Bernie gave me that plant that has taken over my sun porch. So for that and other reasons I would just say that she was just one of those people you’ll never forget. Over an eight-year period my daughters were pages here. They would always ask about her. Thank you.”

Senator Foriest:

“Madame President, I have been part of this institution for only a few short months but I have really been awed by the pillars of leadership that have come before me and that certainly includes Jeanne Lucas. She is one of the many men and women who have not only guided and shaped this particular institution but she has guided North Carolina into being the best State in the Union. Unfortunately for me, I never really got to know Jeanne Lucas personally but I had met her on several occasions and she always impressed me with her wit, her candor, her sense of humor, and her love of this Chamber. Something would be said or done and she would pull me aside and she would say, ‘Let me tell you how it really is!’ She was the kind of person that was always there for anyone who needed help and I very much appreciate that. I think the writer, John

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Donne, summed it up best when he said, 'Any man's death diminishes me, because I am involved in Mankind; And therefore never send to know for whom the bell tolls; it tolls for thee.' Without Jeanne, I think we are a little less effective as a Body. I think that without Jeanne a small part of us has died and the thing that keeps coming to my mind is the fact that it is only the grace of God that keeps us all from joining her at any time. To my colleagues, I certainly recommend this resolution to you. To this family, my best to you all and may God Bless."

Senator Hagan:

"I certainly do miss Jeanne Lucas and I know we all do. When I first came to the Senate a number of years ago my youngest daughter was in the sixth grade and her class came for a trip to Raleigh and, of course, they got to come into the Chamber. I asked Senator Lucas to come and talk to them. I like every one of you here but I thought this class would really be inspired by Jeanne Lucas so she came. We had the Well of the Senate. She lectured and she talked to that group of sixth graders and then she started talking in Spanish and then in French and let me tell you, those young students were so impressed with Jeanne Lucas, to see the skills and her voice, we've all talked about her voice. She could command anything and so my daughter still talks about Senator Lucas. A lot of times when the Chaplain was not here we would ask Jeanne to pray for the Chamber and I pulled up one of her prayers and it was on March 27, 2003, and in one paragraph in that prayer, she said 'Thank you, Father, for blessing us with the many wonderful people in this Senate family, for all they do to advance positive legislation for the people of this State and beyond.' I just think about the fact that she loved us as much as we all loved her and I know her husband, Bill, is here and she spoke so highly of him. All the time that some of the women would be talking, oh my goodness, there was always incredible love and an incredible relationship that she had with her husband and her sisters, and her sorority sisters, her sorors! Jeanne Lucas was a much-loved individual and we definitely miss her here and I commend this resolution."

Senator Kinnaird:

"I remember Jeanne when I first came here. We were at a caucus over at the NCAE Building and I had walked over and it was a hot day and it was time to come back and Jeanne came up to me and said, 'Why don't you just ride back with me?' I said, 'Oh, no, I can just walk back.' She said, 'Please come.' She was so kind to me and she told me lots of things about getting started as a freshman and I was so grateful for her help and her warmth in welcoming me. One time I stepped out of bounds pretty badly and Senator Lucas let me know in no uncertain terms. She also couched it in a way that was a learning experience for me and so full of love that I felt I had been reprimanded, yes, but I had also learned a great deal from that loving kindness that she showed me. I had been a friend of a young woman who had been in Carrboro, Michelle Cotton Laws, a wonderful young woman who had made a difference in our community. She had gone to Durham and made a difference and then I found that Jeanne was

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sort of her surrogate mother in Durham and I was so delighted to find that she shared this wonderful young woman and that she had taken her under her wing and was mentoring her to become a leader which I know she will. Finally, I have to mention the flowers. We were so delighted when we came in and we all saw Jeanne's flowers and just this last week Bernie put a vase on each of our desks and it reminded us of the love of Jeanne Lucas for this Chamber and for her family and for all of us. I commend the resolution to you."

Senator Dannelly:

"Ladies and gentlemen of the Senate, first let me thank Bill, Bernie, Bert, the Hopkins family members, the Lucas family members, and all the friends of Jeanne Lucas for sharing her with us. I was thinking when was the first time I met Jeanne and I believe it was at North Carolina Central on one Saturday evening when Julius Chambers was Chancellor and I guess he was being honored. Julius used to be one of my neighbors or I used to be one of his and I was just appointed by the Governor to come to this Body. I was sitting there at a table and I saw this face with the sun-shining smile on it showing all teeth, and she walked up to me and said, 'Hello, I'm Jeanne Lucas. They call me Queenie. You're the new Senator, aren't you?' I said, 'Yes, I am. I'm Charlie Dannelly.' She said, 'Charlie Dannelly, well welcome and anything I can do for you just let me know.' And she wasn't kidding. I think that's the last time she called me Charlie Dannelly. From then on I was 'Charlie D.' Jeanne never saw color. She indicated to me that the color of the human race is gray. She didn't hold grudges if she had a disagreement or didn't like what you did. I'm sure everyone in here that may have done something she didn't like heard about it from Jeanne. She found out that holding grudges works worse on you than it does on what caused you to feel the way you did. She was a great jokester. I'm sorry but the jokes I remember that she told me, I can't tell in here! Jeanne was very, very professional. I've seen many chairpersons of committees here, R. C. Soles, Tony Rand, but Jeanne was about the coolest chairperson of a committee I've ever seen. She didn't rush, she didn't let you take charge of her committee, and she treated everyone with respect. I wish we could all learn to be that way. Jeanne had this great, great sense of humor. I'm sure everyone has seen her in this Chamber when we start up or when we would have a break, wherever Jeanne was sitting eventually there was a crowd around her and all of a sudden, big laughter and Jeanne would sit down and we called it, 'holding court' in this corner. When she was sitting on that side of the Chamber she held court. She'd come in and sit down behind her flowers and I think she and the flowers were sort of competing against each other to see which one could smile the biggest, but she held court wherever she was in this Chamber. One other thing I really admired about Jeanne was that I watched her all over this place and every, every service worker that she came in contact with and met, the next time she saw them, she would call them by name, and ask them how they were doing and ask them about their family. She knew everyone she came in contact with by name. I'm still trying to learn the names of some of them. I could go on and talk more about Jeanne. She and Bill were very private people. It took me five years to

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get through to that home phone. It really did. Even then, they would be sitting up there looking at movies at night or on weekends and wouldn't answer the phone unless they felt like it! She got so when my number would pop up she would put it on speaker. 'Hey, Charlie D, what you want?' And we'd have our conversation. She would call me and if I wasn't in I'd get in and listen to the message, 'Hey, Charlie D, tell Rose hey, call me when you get in.' Sometimes I'd listen to that message two or three times because I, like many of you, loved to hear Jeanne Lucas talk. She had a melodious voice. I won't take up any more time but if you want to know some of those jokes she told me, see me later on! I urge you to support this resolution."

Senator Rand:

"Jeanne Lucas was a beautiful woman but I always thought that the beauty of her soul was really the crown jewel of her persona. She was a person of great dignity, of unquestioned integrity, of a very quick and insightful intelligence, and she would use her humor and her wonderful mind to give us examples of things, to teach us lessons about things or to diffuse situations sometimes when we might be arguing with one another. But wherever she was, it was a better place because she was there to bring joy and just spontaneity and real pleasure to the people that were assembled. She called me several things, depending on whether or not she approved of what I was doing. But I always thought that of all the people I knew, she was one of the most worthwhile people that we had in North Carolina. She was a great friend, she was a wonderful advocate for this Body, and North Carolina will certainly miss her great beauty and wonderful intelligence. Thank you."

Senator Apodaca:

"I think back to the fall of 2002. My mother called me from Durham and she was going over the ballot with me and asked me what I thought about this person, what I thought about that person. She went through the whole ballot and she left off the State Senate race which at that time I was particularly looking at and I said, 'Mother, how about the State Senate.' She said, 'Oh, Jeanne Lucas is my Senator.' And she said you need to meet her when you get over there. And, again, my mother was right. When I first met Senator Lucas, it was an experience I'll never forget. I was a teacher's pet and I hadn't been able to say that much in life. But Jeanne Lucas loved me and I knew it. But I loved her just as much as she loved me. I remember I was running the first bill I ever did in Education and it was going pretty well and I was getting a little long-winded and she stopped the meeting and she said, 'Senator Ap-o-da-ca,' – she could say my name like none other, 'come here.' I stepped back, and she said, 'Looks like you're doing pretty good here. If I were you I'd shut up and vote or you can keep talking and we'll adjourn the meeting.' I said, 'Yes, ma'am.' And it passed. But every day I walked in this Chamber there were two people I looked for and they were Ham Horton and Jeanne Lucas. I'll always remember Jeanne Lucas over here and that smile. Oh my, when we renovated this Chamber we should have put extra light in because she did light up this Chamber like no

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other. But she told me all she ever was was a teacher and that's all she ever wanted to be remembered by. She and my wife formed a bond that was unbelievable that day and they kept in touch. I think about the last correspondence was the article they wrote on Jeanne about beating breast cancer and she wrote a little note to Lisa and Lisa sent a little note back. Well, I'm here today to say Jeanne Lucas is still a survivor and she'll always be a survivor in this Chamber. Bill, I've got to tell you, I used to tell her that you were the luckiest man in the world but I think we were all lucky to have her in this Chamber and I miss her every day."

Senator Atwater:

"It's a high honor for me to speak to the resolution about my dear friend and our dear colleague, Senator Jeanne Hopkins Lucas. As a citizen of a democratic republic, she is really the only queen I ever really knew and I did love her. Mr. Bill Lucas, given the culture of our day, I will always remember, and it resounds in my ear today, the many gracious and loving references she made of you. Always she would say, 'At, that Bill Lucas is good to me.' Bill, I do hope that she called you Bill but she always said Bill Lucas to me, Bill Lucas. Senator Lucas' sisters, Bert and Bernie, both of you were such pillars of love and support to her especially during her illness, Bernie by day and Bert by night and they met the challenge. Bernie, all of us noted that you gave and met the assurances and wishes of your Senator and our Senator and that they were met in full during her last days and you were an inspiration to all of us in the Herculean efforts that you gave. Senator Lucas would invite me from time to time to go with her and I wasn't in the habit of saying no to the highly respected Senior Senator so I went. I think she wanted me to experience it all. Well, we got into some pretty tough meetings, pretty hot meetings, and the tighter and tougher they became I would look over at her and she would become calmer and more collected and ready to be whatever she instinctively knew she needed to be for her constituents. If she ever looked at me at all, I am sure that I looked quite white to her, that is, pale-faced, but they were tough meetings. What did I learn about Senator Lucas by going to these tough meetings? One, she deeply respected and loved all people and she was more than prepared to go where they were going to be and where they desired for her to come. She felt honored and privileged to be with hurting citizens and she knew how to administer to them. Upon leaving she would say, 'At, most times when people are hurt and they are disappointed in their government, they simply need to be respectfully listened to.' And surely she meant more than that. If we were to go home and find a way to affect their lives in a positive way, that was our responsibility to do. But first and foremost they needed to be respectfully listened to, every word that they had to utter, whether they were loud or whether it be a mild word, it was our duty and our privilege to listen to it. That was the lesson of the day and every day for an elected official and I was privileged to learn that from her. I'd like for you to accept by way of a prayerful recitation of a somewhat abridged form of the poem, *If*, by Rudyard Kipling because I think it speaks to Senator Lucas in a lot of ways, the depth and richness of her great character, keenness of

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her intellect, the generous and gracious nature that she had for all people and I think that when you consider the era in which she lived, from race relations to public education to the North Carolina Senate, I think it speaks to her and how she handled herself in so many ways. So if you will allow me to recite this poem:

‘If you can keep your head when all about you are losing theirs and blaming it on you, If you can trust yourself when all others doubt you but make allowance for their doubting, too, If you can wait and not be tired by waiting or being lied about, don’t deal in lies, or being hated, don’t give way to hating, yet you don’t look too good or talk too wise, If you can dream and not make dreams your master, If you can think and not make thoughts your aim, If you can meet with triumph in disaster and treat those two imposters just the same, If you can beg to hear the truth you’ve spoken twisted by knaves to make a trap for fools, or watch the things you gave your life to broken and stoop and build them up with worn out tools, If you can make one heap of all your winnings and risk it on one turn of pitch-and-toss and lose, and start again at your beginnings and never breathe a word about your loss, If you can force your heart and nerve and sinew to serve your turn long after they are gone and so hold on when there’s nothing in you except the will which says to them, hold on, If you can talk with crowds and keep your virtue or walk with kings nor lose the common touch, If neither foes nor loving friends can hurt and all people count with you, If you can fill the unforgiving minute with sixty seconds’ worth of distance run, yours is the earth and everything that’s in it and, which is more, you will be an incredibly full and productive human being and citizen of the world.’ She was a premier North Carolina public educator and administrator, a worthy and humble member of Mt. Gilead Baptist Church, a wonderful wife, mother to hundreds, sister, sister-in-law, dear relative, loyal friend, bridgemaker and confidante, a distinguished sister of Delta Sigma Theta and the Durham Links, and a North Carolina Senator. I can hear Cricket, Jeanne’s loving and guiding mother, saying in the background, ‘Yes, you can and will be all of these manifestations of public service and loving and giving and guiding relationships to all people, my dear daughter.’ Amen.”

Senator Graham:

“I know we’ve been here for a while now and it would be remiss on my part for me not to stand here and say something about Senator Lucas. I remember the day after my primary victory four years ago. The telephone rang and it was Senator Lucas. My daughter answered the phone and they had a twenty-minute conversation and then she asked about my other daughter. This is our first time meeting her, by phone, and having talked to Courtney for about twenty minutes and Courtney told her about her little sister, Nicole, so Nicole got on the phone and talked to Senator Lucas for another twenty minutes. She talked to my wife, Kim, for another twenty minutes and I said ‘I’m the Senator, I want to talk to Senator Lucas.’ But she made sure that she called to welcome me to the North Carolina Senate. She welcomed my family and spoke with my daughters and my wife about the experience that I would have coming up here and then she

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spoke with me. I knew Senator Lucas by reputation but didn't know her personally at that time. We spoke for well over an hour. We talked about why I was coming and what I wanted to do and she told me that she was willing to help in any way possible. Back then, I was probably one of the youngest Senators, maybe there were two or three younger than I am, and she was a role model for me, she and Senator Dannelly. She would check with me periodically during that first term. I think she was able to read me pretty well. She called me 'Malki' and she knew when I was frustrated and she would tap me on the shoulder and call me down to her office and say, 'O.K., tell me what's wrong, what's not going right?' But she was encouraging, she was thoughtful, she was more than a colleague, she was not even a mother figure, she was just Jeanne and I could come to her and confide in her. Being a member of this Body is an interesting experience from time to time but she was always willing and ready to put it all in perspective for me and encourage me to do what I needed to do representing not only my district, but representing the African-American community and the challenge that was ahead that I had the opportunity to help solve the puzzle. I miss talking to Senator Lucas. Bernie was always there in her office. They were a tag-team duo, probably the best LA in the building and they worked well as a team and I learned a lot from her and I just want to stand before this Body and say that she is certainly missed by this Senator. My children still ask about her and I told them about her passing. They all were sad because in that brief phone call and coming here during the swearing-in and getting the opportunity to meet her personally, they all fell in love with Senator Lucas right away. They fell in love with Senator Lucas and always talked about Senator Weinstein. Those were the two Senators that the kids would always ask about. But always they'd ask about Senator Lucas, how is she doing? We miss her in our Senate family and certainly in my family and I just want to give my regards to the family, to Bill, to Bernie and I ask you to support the resolution. Thank you."

Senator Basnight:

"To the family that meant so very much to me, I loved her dearly as I do now and that will always continue. She was a very special person to all of us and she leaves behind for the children who are gathered here, the young adults, a very difficult path to follow because you will have to be able to make many sacrifices. You will have to be willing to give to others at a level that is rarely seen today. She was a person who wanted to see life enriched for everyone. She cared little for describing the personality of a person by their color but more by their actions and what deeds they would consider to be successful in life. She wanted to see that life was a place of sharing, a place where others would receive more than you would receive yourself. She believed in education so very much that I once offered her the chairmanship of Appropriations. Kay, Linda, Walter, one of you would not be here in that position today if she had not said 'no.' She wanted to chair Education. That was her love and her belief was that through education you could strengthen not just the mind, the soul, and the body, but you also could strengthen others as well. Jeanne enjoyed laughter as

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much as anyone in this Body. She would smile so quickly at any of us. She knew that we were part of God's kingdom and that is where she is today. She's looking down upon us. Jeanne, we love you as much today as we will tomorrow. God bless you."

Lieutenant Governor:

"The rules don't allow me to talk very much but I've got to do this. Jeanne and I were tight. We were great friends and as I think about her, Bill, and Bernie and the family and her sisters, I think about the joy she had in living and the joy she had every day and something good. My Mom used to say that when somebody was really special, somebody that you could count on in the good times and the bad, my Mom would say he or she's got quality. Jeanne Lucas had quality and she still has quality. When I think about her, she taught me about joy, she taught me about hope and she taught me about sadness. Jeanne Lucas taught me how to live and, as importantly, Jeanne Lucas taught me how to die. Members of the Senate, I would ask you to stand in honor of a fellow Senator, a great North Carolina woman, a great leader and, most importantly, our friend and sister."

The joint resolution passes its second reading (49-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Dorsett, the Chair extends the courtesies of the gallery to family and friends of Senator Lucas: William E. (Bill) Lucas, husband; Bertha Breese and Bernadette David-Yerumo, sisters; Todd Eubanks and Larry Butler, nephews; Linda Butler, niece; Lavonia Allison, Durham Committee on the Affairs of Black People; Members of Delta Sigma Theta Sorority; Carolyn Thornton, Links, Inc.; Clarence Davenport, Segrid Davenport, Mable Butler, Magenea Butler, Marie Tapp, Runice E. Turner, John Waller, and Leoly Waller, Members from Mt. Gilead Baptist; Michelle Cotton-Laws and Quinton Laws, family friends.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee:**

H.B. 610, A BILL TO BE ENTITLED AN ACT TO SET THE NUMBER OF DESIGN-BUILD CONSTRUCTION CONTRACTS THAT MAY BE AWARDED BY THE DEPARTMENT OF TRANSPORTATION AT TWENTY-FIVE CONTRACTS EACH FISCAL YEAR, 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 50743, is adopted and engrossed.

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H.B. 1671 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ARBITRATION FOR CAUSES OF ACTION FOR PERSONAL INJURY OR WRONGFUL DEATH BASED ON ALLEGED PROFESSIONAL NEGLIGENCE IN THE PROVISION OF HEALTH CARE, UPON THE AGREEMENT OF ALL PARTIES TO AN ACTION, 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 60383, which changes the title upon concurrence to read **H.B. 1671** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ARBITRATION OF CLAIMS FOR PERSONAL INJURY OR WRONGFUL DEATH BASED ON ALLEGED NEGLIGENCE IN THE PROVISION OF HEALTH CARE, UPON THE AGREEMENT OF ALL PARTIES, is adopted and engrossed.

H.B. 1625 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EYEWITNESS IDENTIFICATION REFORM ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10259, is adopted and engrossed.

H.B. 1626 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CUSTODIAL INTERROGATION IN A HOMICIDE CASE MUST BE ELECTRONICALLY RECORDED IN ITS ENTIRETY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50740, is adopted and engrossed.

By Senator East for the **State & Local Government Committee**:

H.B. 941, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT ON DISPOSITION OF PROPERTY BY BRUNSWICK COUNTY SO THE GENERAL LAW WILL APPLY, with a favorable report.

H.B. 1182, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE VILLAGE OF SUGAR MOUNTAIN TO EXTEND THE MAYOR'S TERM OF OFFICE FROM TWO YEARS TO FOUR YEARS, with a favorable report.

H.B. 254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES, 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 70586, is adopted and engrossed.

H.B. 1136 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE TOWNS OF DAVIDSON, FRANKLIN, AND MURPHY TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED 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 70587, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 282 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 1016 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS, TO MAKE CORRESPONDING CHANGES TO STATE AND LOCAL REVENUE STREAMS, TO PROVIDE A REFUNDABLE EARNED INCOME TAX CREDIT, AND TO TAX ANNUITIES IN THE SAME MANNER AS OTHER INSURANCE PRODUCTS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 31, noes 18, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goss, Graham, Hagan, Hoyle, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Swindell and Weinstein---31.

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Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Pittenger, Preston, Smith, Stevens and Tillman---18.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence.

S.B. 1068 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE E-NC AUTHORITY, TO INCREASE THE DISTRIBUTION TO LOCAL GOVERNMENTS OF THE SALES TAX ON TELECOMMUNICATIONS AND VIDEO PROGRAMMING SERVICES AND TO EARMARK A PORTION OF THE STATE'S SHARE OF THE SALES TAX ON THESE SERVICES FOR GRANTS FOR BROADBAND CONNECTIVITY, PEG CHANNELS, AND COMMUNITY MEDIA CENTERS.

The Committee Substitute bill No. 2 passes its second reading (49-0) and third reading (49-0) and is ordered sent to the House of Representatives by special message.

S.B. 1518 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOCATE FUNDS TO ESTABLISH THE JEANNE LUCAS SCHOLARSHIP FUND AT NORTH CAROLINA CENTRAL UNIVERSITY.

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**.

The Senate recesses at 4:16 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 4:20 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. 563 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN MOTOR VEHICLE LAW REGARDING WHAT "PUBLIC SERVICE VEHICLE" MEANS, CHANGING THE WORD STOPLIGHT TO TRAFFIC SIGNAL, CHANGING THE TIME ALLOWED FOR REMOVAL OF A VEHICLE FROM A PUBLIC HIGHWAY OR REST AREA, AND AUTHORIZING LOCAL GOVERNMENTS TO ADOPT ORDINANCES REGULATING DEMONSTRATIONS ON STATE ROADS AND HIGHWAYS.

Senator Jones offers Amendment No. 1 which is adopted (27-22), and changes the title upon concurrence to read **H.B. 563** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN

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MOTOR VEHICLE LAW REGARDING WHAT "PUBLIC SERVICE VEHICLE" MEANS, CHANGING THE WORD STOPLIGHT TO TRAFFIC SIGNAL, CHANGING THE TIME ALLOWED FOR REMOVAL OF A VEHICLE FROM A PUBLIC HIGHWAY OR REST AREA, AND AUTHORIZING LOCAL GOVERNMENTS TO ADOPT ORDINANCES REGULATING DEMONSTRATIONS ON STATE ROADS AND HIGHWAYS, AND THE WEARING OF A SAFETY HELMET BY USE OF A RETENTION STRAP.

Senator Rand calls the previous question on the passage of H.B. 563, seconded by Senator Apodaca, which motion prevails (43-6).

The Senate Committee Substitute bill, as amended, passes its second (27-22) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 730, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAWS GOVERNING MEDIATION OF PROPERTY INSURANCE CLAIMS ARISING OUT OF DISASTERS.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1277 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REVOCATION OF THE DRIVERS LICENSE OF ANY PERSON CONVICTED OF GIVING ALCOHOLIC BEVERAGES TO, OR AIDING AND ABETTING THE PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES BY, AN UNDERAGE PERSON AND TO ALLOW FOR A LIMITED DRIVING PRIVILEGE.

Senator Dalton 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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hagan for the **Appropriations/Base Budget Committee**:

S.B. 1518 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOCATE FUNDS TO ESTABLISH THE JEANNE LUCAS SCHOLARSHIP FUND AT NORTH CAROLINA CENTRAL UNIVERSITY, 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, 55540, which changes the title to read **S.B. 1518** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JEANNE HOPKINS LUCAS SCHOLARSHIP FUND, is adopted and engrossed.

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CALENDAR *(continued)*

H.B. 1402 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF TRANSPORTATION TO CONSULT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS BEFORE BEGINNING THE DESIGN OR CONSTRUCTION OF NEW WELCOME CENTER OR VISITOR CENTER BUILDINGS AND CLARIFYING THAT THE DEPARTMENT OF TRANSPORTATION MAY PROCEED WITH THE CONSTRUCTION OF VISITOR CENTER BUILDINGS UNDERWAY IN RANDOLPH AND WILKES COUNTIES.

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.

H.B. 135 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DEALER PLATES WITH A SYMBOL NOTING THAT THE HOLDER IS A MANUFACTURER, TO EXEMPT MANUFACTURERS FROM THE RESTRICTIONS ON THE NUMBER OF DEALER PLATES THAT MAY BE ISSUED TO THEM, AND TO CLARIFY THAT THE DIVISION MAY ISSUE A DEALER PLATE IN A SUITABLY REDUCED SIZE FOR MOTORCYCLE DEALERS AND MANUFACTURERS, for adoption.

Upon motion of Senator Dalton, the Senate adopts the Conference Report (48-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

ADDITIONAL SPONSOR

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 215, A BILL TO BE ENTITLED AN ACT TO REDUCE ROADSIDE AND OTHER LITTERING AND TO ENCOURAGE RECYCLING BY REQUIRING A DEPOSIT ON BEVERAGE CONTAINERS AND REQUIRING REDEMPTION CENTERS TO ACCEPT RETURNED BEVERAGE CONTAINERS AND REFUND THE DEPOSITS.

S.B. 668, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS.

Upon motion of Senator Basnight, seconded by Senator Dorsett, the Senate adjourns at 5:05 P.M. subject to reading of messages from the House of Representatives, to meet Wednesday, July 18, at 3:00 P.M.

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ONE HUNDREDTH DAY

Senate Chamber
Wednesday, July 18, 2007

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, after hearing the kind, authentic and well-deserved words spoken in the Senate yesterday about the late Jeanne Lucas, I was reminded how much our lives depend upon the courage, the industry, the honesty and the integrity of each other. Let us take heart. If we but look around this room, we realize that no one goes his or her way truly alone. Thank you for your presence and the presence of each to the other here in the Senate. Amen."

The Chair grants leaves of absence for today to Senator Hoyle and Senator Malone.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, July 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Linda Rogers from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 17, 2007

Madame President:

Pursuant to the message from the House of Representatives on Tuesday, July 10, 2007, informing the Senate that the House of Representatives failed to concur in the Senate Committee Substitute for **H.B. 1415** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY

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BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives requests conferees.

Speaker Hackney has appointed:

Representative Martin, Chair
Representative Coleman
Representative Ross
Representative J. Harrell
Representative Barnhart, and
Representative Thomas

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 56 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, EXPAND THE HEALTH CARE PERSONNEL REGISTRY AND AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT RULES ALLOWING THE ISSUANCE OF RATED CERTIFICATES TO ADULT CARE HOMES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 19, for concurrence.

S.B. 221 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CONCERNING INVESTMENTS OF THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH, AND THE COUNTIES OF GUILFORD, MECKLENBURG, AND WAKE, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Thursday, July 19, for concurrence.

S.B. 227 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF NEW HANOVER AND THE

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CITY OF WILMINGTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S PUBLIC NUISANCE ORDINANCE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 19, for concurrence.

S.B. 514 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT BUSINESSES THAT SUPPLY PERISHABLE PRODUCTS FROM MISREPRESENTING THE GEOGRAPHICAL LOCATIONS OF THEIR BUSINESSES IN TELEPHONE DIRECTORIES, DIRECTORY ASSISTANCE DATABASES, ON THE INTERNET, AND IN PRINT ADVERTISEMENTS, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Thursday, July 19, for concurrence in House Amendment No. 1.

S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL EXEMPTIONS FROM A LOCAL ACT LIMITING HEIGHT OF BUILDINGS IN THE CITY OF HENDERSONVILLE AND TO NARROW ITS APPLICABILITY TO A DEFINED AREA WITHIN THAT CITY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 19, for concurrence.

S.B. 924 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELEMENT MAKING PASSING A STOPPED SCHOOL BUS AND STRIKING A PERSON A FELONY FROM REQUIRING "SERIOUS BODILY INJURY" AND REMOVING THE REQUIREMENT OF SIGNAGE BEING AT LEAST EIGHT INCHES FROM THE DEFINITION OF SCHOOL BUS TO CORRESPOND TO THE CHANGES MADE TO G.S. 20-217 IN THE 2005 SESSION AND REQUIRING THAT SCHOOL BUSES BE PAINTED YELLOW, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 19, for concurrence.

S.B. 999 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE LAWS PERTAINING TO IMPAIRED DRIVING OFFENSES AND TO PROVIDE THAT THE COURT MAY ORDER SECURE CUSTODY OF A JUVENILE WHEN THE JUVENILE IS CHARGED WITH A VIOLATION OF EITHER DRIVING WHILE IMPAIRED OR UNDERAGE DRINKING AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE DISPOSITIONAL ALTERNATIVES FOR JUVENILES WHO ARE ADJUDICATED DELINQUENT FOR A DRIVING WHILE IMPAIRED OR AN UNDERAGE DRINKING VIOLATION, for concurrence in the House Committee Substitute bill.

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The House Committee Substitute bill is placed on the Calendar for Thursday, July 19, for concurrence.

S.B. 1058 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE FRAUDULENT OBTAINING, SELLING, OR SOLICITING OF TELEPHONE RECORDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 19, for concurrence.

S.B. 1327 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD AN EXCEPTION TO THE CIRCUMSTANCES UNDER WHICH A SURETY ON A BAIL BOND IS NOT REQUIRED TO RETURN THE PREMIUM ON THE BOND UNDER THE LAWS REGULATING BAIL BONDSMEN AND RUNNERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 19, for concurrence.

S.B. 1464 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILDLIFE RESOURCES MANAGEMENT LAWS BY AUTHORIZING THE WILDLIFE RESOURCES COMMISSION TO RESPOND TO DISEASE THREATS; BY ALLOWING THE TAKING OF BEAVER WITH BOW AND ARROW; BY AMENDING CERTAIN LAWS GOVERNING THE TAKING OF DEER; BY PROVIDING FOR THE SAFETY OF BOW HUNTERS DURING FIREARMS SEASON; BY PROHIBITING THE FEEDING OF ALLIGATORS; BY ALLOWING THE USE OF ELECTRONIC CALLING DEVICES FOR SNOW GEESE; AND STUDYING THE TRACKING OF WOUNDED WILDLIFE AFTER LEGAL HUNTING HOURS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Thursday, July 19, for concurrence.

S.B. 1466 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES RELATING TO HEALTH AND SAFETY TO THE MIGRANT HOUSING ACT OF NORTH CAROLINA AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 19, for concurrence.

S.B. 1468 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE INNOVATIVE STORMWATER MANAGEMENT AND

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WATER QUALITY PROTECTION EFFORTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 19, for concurrence.

S.B. 1479 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 19, for concurrence.

H.B. 9 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISTRIBUTE PART OF STATE LOTTERY PROCEEDS BY ALLOCATING FUNDS TO LOW-WEALTH SCHOOL SYSTEMS AND GROWING SCHOOL SYSTEMS.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 487, A BILL TO BE ENTITLED AN ACT TO EXEMPT BALER TWINE FROM THE SALES AND USE TAX.

Referred to the **Finance Committee**.

H.B. 1785 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE CIGARETTE FIRE SAFETY BY ADOPTING A CIGARETTE FIRE-SAFETY STANDARD.

Referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CLAYTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE AND TO ALLOW THE TOWN OF CLAYTON TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE TOWN'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE TOWN'S SATELLITE CORPORATE LIMITS, with a favorable report.

S.B. 1332 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO RAISE THE CEILING ON CERTAIN FEES AND AMENDING AND UPDATING CERTAIN OTHER PROVISIONS UNDER THE LAWS REGULATING HEARING AID DEALERS AND FITTERS, with a favorable report.

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H.B. 78 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BURKE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, with a favorable report.

H.B. 649, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' REGISTRATION BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE LAWS PERTAINING TO LANDSCAPE CONTRACTORS, with a favorable report.

H.B. 705, A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO ENTER INTO LEASE PURCHASE OR INSTALLMENT PURCHASE CONTRACTS FOR FOOD SERVICE EQUIPMENT, with a favorable report.

H.B. 1321 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A WEIGHT AND SIZE EXCEPTION TO STATE AND LOCAL FIREFIGHTING AGENCIES TRANSPORTING OVERWEIGHT AND OVERSIZED VEHICLES BEING USED TO COMBAT FOREST FIRES, WILDFIRES, AND OTHER EMERGENCIES OR DISASTERS, TO AUTHORIZE THE ISSUANCE OF AN ANNUAL OR SINGLE TRIP PERMIT FOR OVERSIZE AND OVERWEIGHT COMMERCIAL VEHICLES USED IN EMERGENCY RESPONSE, AND TO AUTHORIZE THE ISSUANCE OF A SINGLE TRIP PERMIT FOR OVERSIZE OR OVERWEIGHT VEHICLES OR VEHICLE COMBINATIONS RESPONDING TO AN EMERGENCY EVENT, with a favorable report.

H.B. 1488 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE PSYCHOLOGY PRACTICE ACT TO CLARIFY REQUIREMENTS FOR PERMANENT LICENSURE, with a favorable report.

H.B. 986 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF BUTNER, TO TRANSFER CERTAIN ASSETS PREVIOUSLY HELD BY THE STATE OF NORTH CAROLINA FOR THE TOWN OF BUTNER TO THE NEWLY INCORPORATED TOWN OF BUTNER, AND TO MAKE CONFORMING CHANGES TO PUBLIC LAWS AFFECTING THE BUTNER RESERVATION, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Upon motion of Senator Clodfelter, the Rules are suspended and the Committee Substitute No. 2, as amended, is placed on today's Calendar.

S.B. 19, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NASH, 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 15113, which changes the title to read **S.B. 19** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE DESCRIPTION OF THE BOUNDARY BETWEEN THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE EDGEcombe COUNTY PUBLIC SCHOOL SYSTEM, is adopted and engrossed.

H.B. 555, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE GREATER FLEXIBILITY IN THE PAYMENT OF SPECIAL ASSESSMENTS AND THE COLLECTION OF DELINQUENT SPECIAL ASSESSMENT PAYMENTS, 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 50733, which changes the title upon concurrence to read **H.B. 555** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE GREATER FLEXIBILITY IN THE PAYMENT OF SPECIAL ASSESSMENTS AND THE COLLECTION OF DELINQUENT SPECIAL ASSESSMENT PAYMENTS, AND TO ALLOW THE CITY OF ROANOKE RAPIDS TO ASSESS BENEFITED PROPERTIES FOR MAINTENANCE OF PARKING LOTS, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1500 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE DEFENDANT ACCESS TO DNA TESTING OF EVIDENCE WHEN CURRENT TESTING PROCEDURES ARE MORE ACCURATE THAN PAST TESTING PROCEDURES, TO AMEND THE LAW GOVERNING THE PRESERVATION AND DISPOSITION OF POSSIBLE DNA EVIDENCE AND POSTCONVICTION DNA TESTING, AND TO PROVIDE A RIGHT OF APPEAL TO A DEFENDANT FOR DENIAL OF A MOTION TO CONDUCT DNA TESTING, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80467, is adopted and engrossed.

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 1081, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES, TO ALLOW DISCLOSURE OF EXPUNGED INFORMATION TO LAW ENFORCEMENT AGENCIES AND FEDERALLY INSURED DEPOSITORY INSTITUTIONS FOR EMPLOYMENT PURPOSES ONLY AND TO REQUIRE THOSE

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AGENCIES AND INSTITUTIONS TO MAINTAIN THE CONFIDENTIALITY OF THE EXPUNGED INFORMATION, TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES, TO INCREASE THE FEES FOR EXPUNCTIONS, AND TO REQUIRE STATE AND NATIONAL CRIMINAL RECORD CHECKS WHEN EXPUNGING RECORDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55537, which changes the title to read **S.B. 1081** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES UPON APPLICATION AND A FEE, TO ALLOW DISCLOSURE OF EXPUNGED INFORMATION TO LAW ENFORCEMENT AGENCIES AND OTHER SPECIFIED AGENCIES FOR EMPLOYMENT AND LICENSING PURPOSES AND TO REQUIRE THOSE AGENCIES TO MAINTAIN THE CONFIDENTIALITY OF THE EXPUNGED INFORMATION, AND TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES, is adopted and engrossed.

Upon motion of Senator Nesbitt, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Bingham for the **Health Care Committee**:

H.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH A SEX OFFENSE WHO IS ORDERED TO BE TESTED FOR A SEXUALLY TRANSMITTED INFECTION MUST BE TESTED WITHIN FORTY-EIGHT HOURS OF THE COURT ORDER AND TO PROVIDE THAT HIV TESTING UNDER THESE PROVISIONS WILL USE THE VIRAL LOAD DETECTION METHOD OF DETERMINING HIV INFECTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70590, which changes the title upon concurrence to read **H.B. 118** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH A SEX OFFENSE WHO IS ORDERED TO BE TESTED FOR A SEXUALLY TRANSMITTED INFECTION MUST BE TESTED WITHIN FORTY-EIGHT HOURS OF THE COURT ORDER AND TO PROVIDE THAT HIV TESTING UNDER THESE PROVISIONS WILL USE THE HIV-RNA DETECTION TEST FOR DETERMINING HIV INFECTION, is adopted and engrossed.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

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H.B. 367, AN ACT TO STRENGTHEN THE LAW REGULATING THE SALE OF CERTAIN METALS BY SECONDARY METALS RECYCLERS, TO ADD WIRELESS AND CABLE TELECOMMUNICATIONS EQUIPMENT TO THE STATUTE PROVIDING PENALTIES FOR THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, TO INCREASE THE CRIMINAL PENALTIES FOR VIOLATIONS OF THOSE REGULATIONS OF THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, AND TO PROVIDE FOR FORFEITURE OF VEHICLES USED IN FELONIOUS THEFT OF METALS.

H.B. 588, AN ACT TO UPDATE AND IMPROVE LAWS COVERING UNAUTHORIZED INSURERS.

H.B. 646, AN ACT TO MAKE THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM'S DEBT COLLECTION PRACTICES MORE PATIENT FRIENDLY AND TO ASSIST CERTAIN PATIENTS.

H.B. 730, AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAWS GOVERNING MEDIATION OF PROPERTY INSURANCE CLAIMS ARISING OUT OF DISASTERS.

H.B. 735, AN ACT TO STREAMLINE THE CONSTRUCTION PLAN REVIEW PROCESS FOR CERTAIN PUBLIC BUILDINGS, AS REQUESTED BY THE HOUSE SELECT COMMITTEE ON PUBLIC SCHOOL CONSTRUCTION.

H.B. 1536, AN ACT TO LIMIT THE LIABILITY OF DEALERS OF LIQUEFIED PETROLEUM GAS AND THEIR EMPLOYEES, AGENTS, AND SUBCONTRACTORS UNDER CERTAIN SPECIFIED CIRCUMSTANCES.

H.B. 1724, AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, TO REDESIGNATE ELK KNOB STATE NATURAL AREA AS ELK KNOB STATE PARK, AND TO REDESIGNATE DISMAL SWAMP STATE NATURAL AREA AS DISMAL SWAMP STATE PARK.

The Enrolling Clerk reports the following bills and a joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 1566, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SENATOR JEANNE HOPKINS LUCAS. (Res. 57)

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H.B. 1143, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN STANLY COUNTY.

H.B. 1197, AN ACT AMENDING THE CHARTER OF THE CITY OF STATESVILLE TO MODIFY THE POWERS AND DUTIES OF THE CIVIL SERVICE BOARD AND AMENDING THE ACT OF ESTABLISHING THE BUNCOMBE COUNTY SHERIFF'S PERSONNEL ADVISORY BOARD.

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. 442, AN ACT TO AUTHORIZE CASWELL COUNTY AND THE TOWN OF YANCEYVILLE TO LEVY A ROOM OCCUPANCY TAX. (Became law upon ratification, July 17, 2007 - S.L. 2007-224.)

H.B. 1250, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF DURHAM. (Became law upon ratification, July 17, 2007 - S.L. 2007-225.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

S.B. 668, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15118, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 729 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS NONFLEET PRIVATE PASSENGER MOTOR VEHICLE INSURANCE RATE EVASION FRAUD AND TO AUTHORIZE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE ISSUES RELATED TO AUTOMOBILE INSURANCE RATE EVASION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30512, is adopted and engrossed.

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CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 254 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

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.

H.B. 941, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT ON DISPOSITION OF PROPERTY BY BRUNSWICK COUNTY SO THE GENERAL LAW WILL APPLY.

The bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 1136 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE TOWNS OF DAVIDSON, FRANKLIN, AND MURPHY TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

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.

H.B. 1182, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE VILLAGE OF SUGAR MOUNTAIN TO EXTEND THE MAYOR'S TERM OF OFFICE FROM TWO YEARS TO FOUR YEARS.

The bill passes its second (48-0) and third readings and is ordered enrolled.

S.B. 1518 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JEANNE HOPKINS LUCAS SCHOLARSHIP FUND.

The Committee Substitute bill No. 2 passes its second reading (44-4).

Senator Atwater objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, July 19, upon third reading.

H.B. 589 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE POULTRY PRODUCTS INSPECTION ACT.

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.

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H.B. 610 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE NUMBER OF DESIGN-BUILD CONSTRUCTION CONTRACTS THAT MAY BE AWARDED BY THE DEPARTMENT OF TRANSPORTATION AT TWENTY-FIVE CONTRACTS EACH FISCAL YEAR.

Without objection, Senator Smith requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1558, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF GOLDSTON ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on April 12.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, July 23, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, July 23.

WITHDRAWAL FROM CLERK'S OFFICE

H.B. 819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL LAWS TO PROVIDE THAT: (1) AN APPLICATION FOR A CONSTRUCTION PERMIT FOR A PRIVATE DRINKING WATER WELL THAT IS TO BE LOCATED ON A SITE ON WHICH A WASTEWATER SYSTEM IS LOCATED MAY BE ACCOMPANIED BY A SITE PLAN RATHER THAN A PLAT; (2) PROOF OF COMPLETION OF ANY REQUIRED PROFESSIONAL DEVELOPMENT IS REQUIRED FOR RENEWAL OF A WELL CONTRACTOR CERTIFICATE; AND (3) CIVIL PENALTIES COLLECTED BY THE DEPARTMENT OR OTHER STATE AGENCY UNDER ARTICLE 4 OF CHAPTER 113A OF THE GENERAL STATUTES SHALL BE USED AS PROVIDED IN SECTION 7 OF ARTICLE IX OF THE CONSTITUTION OF NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, ordered held in the Office of the Principal Clerk on May 16, pending referral to committee.

Senator Rand announces the referral of the Committee Substitute bill to the **Agriculture/Environment/Natural Resources Committee**.

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H.B. 820, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN NATURAL RESOURCES LAWS TO CLARIFY THAT DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, ordered held in the Office of the Principal Clerk on May 16, pending referral to committee.

Senator Rand announces the referral of the bill to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 821 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, ordered held in the Office of the Principal Clerk on May 16, pending referral to committee.

Senator Rand announces the referral of the Committee Substitute bill to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, ordered held in the Office of the Principal Clerk on May 16, pending referral to committee.

Senator Rand announces the referral of the Committee Substitute bill to the **Agriculture/Environment/Natural Resources Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 646, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE STUDY OF WATERFRONT ACCESS ISSUES, referred to the **Rules and Operations of the Senate Committee** on March 12.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

CALENDAR *(continued)*

H.B. 1294 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES.

Senator Purcell offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (46-2) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

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H.B. 1625 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EYEWITNESS IDENTIFICATION REFORM ACT.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 19.

H.B. 1626 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CUSTODIAL INTERROGATION IN A HOMICIDE CASE MUST BE ELECTRONICALLY RECORDED IN ITS ENTIRETY.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 19.

H.B. 1671 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ARBITRATION OF CLAIMS FOR PERSONAL INJURY OR WRONGFUL DEATH BASED ON ALLEGED NEGLIGENCE IN THE PROVISION OF HEALTH CARE, UPON THE AGREEMENT OF ALL PARTIES.

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.

H.B. 1810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT OF 2005.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

CONFERENCE REPORT

Senator Purcell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 652** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITIES' OVERGROWN VEGETATION ORDINANCES AND ALLOWING THE COMPENSATION OF THE MAYOR AND COUNCIL OF THE CITY OF EDEN TO BE SET UNDER GENERAL 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 Senate Bill 652, A BILL TO BE ENTITLED

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AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITIES' OVERGROWN VEGETATION ORDINANCES AND ALLOWING THE COMPENSATION OF THE MAYOR AND COUNCIL OF THE CITY OF EDEN TO BE SET UNDER GENERAL LAW, House Committee Substitute #2 Favorable 6/27/07, submit the following report:

The Senate concurs in the House Committee substitute with amendments:

(1) On page 1, lines 12-13, by rewriting those lines to read:

"**SECTION 2.(a)** The City of Eden by ordinance may amend its charter to repeal Section 3.4, as found in Section 6 of Chapter 967 of the 1967 Session Laws.

SECTION 2.(b) In order to take any action under subsection (a) of this section, the city council shall adopt an ordinance amending the charter. If such ordinance is adopted, the city clerk shall file a certified true copy with the Secretary of State and the Legislative Library."

(2) On page 1, lines 4-6, by rewriting those lines to read:

"THE CITIES' OVERGROWN VEGETATION ORDINANCES AND ALLOWING THE CITY OF EDEN TO AMEND BY ORDINANCE A PROVISION OF ITS CHARTER."

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 18, 2007.

Conferees for the Senate *Conferees for the House of Representatives*

S/William R. Purcell, Chair	S/Melanie Wade Goodwin, Chair
S/Phil Berger	S/Nelson Cole
S/Malcolm Graham	S/Bonner L. Stiller

The Conference Report, which changes the title, is placed on the Calendar for Thursday, July 19, for adoption.

CALENDAR *(continued)*

H.B. 986 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF BUTNER, TO TRANSFER CERTAIN ASSETS PREVIOUSLY HELD BY THE STATE OF NORTH CAROLINA FOR THE TOWN OF BUTNER TO THE NEWLY INCORPORATED TOWN OF BUTNER, AND TO MAKE CONFORMING CHANGES TO PUBLIC LAWS AFFECTING THE BUTNER RESERVATION, as amended by the Finance Committee and placed earlier on today's Calendar upon second reading.

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The Committee Substitute bill No. 2, as amended, passes its second reading by a three-fifths majority vote as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for Thursday, July 19, upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1415 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE AND TO AMEND THE LAW PROVIDING LONG-TERM DISABILITY BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

Pursuant to the message from the House of Representatives received Tuesday, July 17, that the House fails to concur in the Senate Committee Substitute bill for H.B. 1415 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Rand, Chair, Senator Purcell and Senator Brunstetter as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Dannelly, seconded by Senator Smith, the Senate adjourns subject to receipt of committee reports and reading of messages from the House of Representatives, to meet Thursday, July 19, 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 18, 2007

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. 135**

July 18, 2007

(Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DEALER PLATES WITH A SYMBOL NOTING THAT THE HOLDER IS A MANUFACTURER, TO EXEMPT MANUFACTURERS FROM THE RESTRICTIONS ON THE NUMBER OF DEALER PLATES THAT MAY BE ISSUED TO THEM, AND TO CLARIFY THAT THE DIVISION MAY ISSUE A DEALER PLATE IN A SUITABLY REDUCED SIZE FOR MOTORCYCLE DEALERS AND MANUFACTURERS.

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

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

H.B. 892 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LICENSURE ACT FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS, 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 60385, is adopted and engrossed.

By Senator Clodfelter for the **Finance Committee**:

H.B. 1529, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES' HEALTH BENEFITS, 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 60387, is adopted and engrossed.

H.B. 1598 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS AND TO CLARIFY HOW THE CREDIT CAP FOR INDIVIDUALS APPLIES TO MARRIED COUPLES, 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 50748, which changes the title upon concurrence to read **H.B. 1598** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS AND TO EXTEND THE TIME FOR FILING AN APPLICATION TO OCTOBER 15, is adopted and engrossed.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 5:53 P.M.

ONE HUNDRED ONE DAY

Senate Chamber
Thursday, July 19, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our God, Thomas A Kempis wrote, 'Be not angry that you cannot make others as you want them to be, since you cannot make yourself as you want to be.' It would be unwise to pray for a daily outpouring of consensus in the Senate, for out of debate and differences of opinion come good decisions. It is not too bold, however, to request that even in their differences you give the Senators a strong sense of community. Then on days when they don't see eye to eye, your presence and that community will help hold everything together for the good. Amen."

The Chair grants a leave of absence for today to Senator Hoyle.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, 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 privileges of the floor to Dr. Christopher Aul from Fayetteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Deloris Parris from Saluda, North Carolina, who is serving the Senate as Nurse of the Day.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1707, A BILL TO BE ENTITLED AN ACT TO ALLOW DETENTION OFFICERS EMPLOYED BY THE SHERIFF TO CARRY FIREARMS AT THE COUNTY COURTHOUSE, with a favorable report.

By Senator Malone for the **Education/Public Instruction Committee**:

H.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO PROVIDE HOMEBOUND INSTRUCTION FOR DISCIPLINE PURPOSES WHEN IT IS THE LEAST RESTRICTIVE ALTERNATIVE FOR STUDENTS WITH DISABILITIES AND TO REQUIRE A REGULAR EVALUATION OF THE APPROPRIATENESS OF THE HOMEBOUND INSTRUCTION, with a favorable report.

H.B. 20 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO ESTABLISH STANDARDS FOR HOMEBOUND INSTRUCTION, with a favorable report.

H.B. 1739 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STUDENTS PLACED ON SHORT-TERM SUSPENSIONS TO TAKE THEIR TEXTBOOKS HOME FOR THE DURATION OF THE SHORT-TERM SUSPENSION AND TO HAVE ACCESS TO HOMEWORK ASSIGNMENTS AND TO ENSURE THAT PARENTS RECEIVE ACTUAL NOTICE OF A STUDENT'S EXPULSION OR SUSPENSION FROM SCHOOL, with a favorable report.

H.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO PROVIDE FOR AN ADMINISTRATIVE INITIAL SCREENING OF REASSIGNMENT APPEALS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70588, is adopted and engrossed.

By Senator Bingham for the **Health Care Committee**:

H.B. 116, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN TISSUE BANKS OPERATING IN NORTH CAROLINA TO BE

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ACCREDITED BY THE AMERICAN ASSOCIATION OF TISSUE BANKS OR THE EYE BANK ASSOCIATION OF AMERICA, 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 10261, is adopted and engrossed.

Upon motion of Senator Bingham, the Senate Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter for the **Finance Committee**:

H.B. 1191 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF EASTOVER, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

S.B. 1241, 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 15120, is adopted and engrossed.

S.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEPARTMENT OF TRANSPORTATION OUTDOOR ADVERTISING SELECTIVE VEGETATION REMOVAL POLICY, 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, 15121, is adopted and engrossed.

S.B. 831 (Committee Substitute), A BILL TO BE ENTITLED AN ACT STREAMLINING LOCAL GOVERNMENT REGULATION OF WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES AND THE COLLOCATION OF WIRELESS FACILITIES, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 35417, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute is placed on today's Calendar.

S.B. 854 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE PRIVATE PROTECTIVE SERVICES ACT AND AMENDING THE FIREARMS LAWS EFFECTING ARMED SECURITY

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GUARDS, 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, 55541, is adopted and engrossed.

H.B. 1755 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND IMPROVE THE ADMINISTRATION OF THE STATE'S 911 SYSTEM THROUGH A STATEWIDE 911 EMERGENCY LOCATING BOARD, ENSURING THAT ALL VOICE SERVICES CONTRIBUTE TO THE 911 SYSTEM, AND PROVIDING PARITY IN THE QUALITY OF SERVICE AND THE LEVEL OF 911 CHARGES ACROSS VOICE COMMUNICATIONS SERVICE PROVIDERS, 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 50747, which changes the title upon concurrence to read **H.B. 1755** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND IMPROVE THE ADMINISTRATION OF THE STATE'S 911 SYSTEM THROUGH A STATEWIDE 911 BOARD, BY ENSURING THAT ALL VOICE SERVICES CONTRIBUTE TO THE 911 SYSTEM AND BY PROVIDING PARITY IN THE QUALITY OF SERVICE AND THE LEVEL OF 911 CHARGES ACROSS VOICE COMMUNICATIONS SERVICE PROVIDERS, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 78 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BURKE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 23, upon second reading.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 758, AN ACT TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE.

H.B. 17, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS

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WITH DISABILITIES TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE DELIVERY OF EDUCATIONAL AND OTHER SERVICES TO STUDENTS WITH DISABILITIES AT THE HIGH SCHOOL LEVEL AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

H.B. 18, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO CLARIFY THE DEFINITION OF RESIDENCE FOR THE DELIVERY OF SPECIAL EDUCATION SERVICES.

H.B. 135, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DEALER PLATES WITH A SYMBOL NOTING THAT THE HOLDER IS A MANUFACTURER, TO EXEMPT MANUFACTURERS FROM THE RESTRICTIONS ON THE NUMBER OF DEALER PLATES THAT MAY BE ISSUED TO THEM, AND TO CLARIFY THAT THE DIVISION MAY ISSUE A DEALER PLATE IN A SUITABLY REDUCED SIZE FOR MOTORCYCLE DEALERS AND MANUFACTURERS.

H.B. 292, AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO STUDY AND UNDERTAKE PRELIMINARY DESIGN WORK FOR A REPLACEMENT FOR THE YADKIN RIVER BRIDGE.

H.B. 731, AN ACT TO PROTECT CONSUMERS PURCHASING ANNUITY PRODUCTS; ADDRESS PORTABILITY IN ACCIDENT AND HEALTH AND LIFE INSURANCE; MAKE MINOR CHANGES IN THE LAWS ON MANAGED CARE EXTERNAL REVIEWS; CLARIFY DEFINITIONS IN LONG-TERM CARE INSURANCE; ADDRESS SMALL EMPLOYER CARRIER PLAN ELECTIONS; DEFINE "CRITICAL PERIOD CONVERSION RATIO" FOR CREDIT INSURANCE; MAKE MISCELLANEOUS AMENDMENTS TO OTHER PROVISIONS RELATED TO LIFE AND HEALTH INSURANCE; AND MAKE TECHNICAL CORRECTIONS IN INSURANCE CODE REFERENCES TO THE TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN.

H.B. 749, AN ACT TO IMPLEMENT EFFICIENCIES WITHIN THE UNIVERSITY SYSTEM AND STATE GOVERNMENT AS RECOMMENDED BY THE PRESIDENT'S ADVISORY COMMITTEE ON EFFICIENCY AND EFFECTIVENESS (PACE).

H.B. 1400, AN ACT TO PROHIBIT THE TAKING OR RECOVERY OF HUMAN TISSUE AT A FUNERAL ESTABLISHMENT BY ANY PERSON, WITH CERTAIN EXCEPTIONS.

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H.B. 1646, AN ACT TO INCREASE THE PENALTIES FOR VIOLATIONS OF LAWS TO PROTECT AIR QUALITY.

H.B. 1810, AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT OF 2005.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 489, AN ACT TO REDUCE THE TERMS OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FROM FIVE YEARS TO FOUR YEARS AND TO AUTHORIZE THE CITY OF ASHEVILLE AND THE ASHEVILLE CITY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR TEACHERS, POLICE OFFICERS, AND FIREFIGHTERS.

H.B. 941, AN ACT TO REPEAL A LOCAL ACT ON DISPOSITION OF PROPERTY BY BRUNSWICK COUNTY SO THE GENERAL LAW WILL APPLY.

H.B. 1097, AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION.

H.B. 1182, AN ACT AMENDING THE CHARTER OF THE VILLAGE OF SUGAR MOUNTAIN TO EXTEND THE MAYOR'S TERM OF OFFICE FROM TWO YEARS TO FOUR YEARS.

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. 401, AN ACT TO AUTHORIZE COUNTY WATER AND SEWER DISTRICTS TO ENGAGE IN INSTALLMENT PURCHASE FINANCING. (Became law upon approval of the Governor, July 18, 2007 - S.L. 2007-226.)

H.B. 1086, AN ACT AUTHORIZING CUSTOMER USAGE TRACKING RATE ADJUSTMENT MECHANISMS FOR NATURAL GAS LOCAL DISTRIBUTION COMPANY RATES. (Became law upon approval of the Governor, July 18, 2007 - S.L. 2007-227.)

S.B. 881, AN ACT TO DEFINE THE RESIDENCY REQUIREMENTS FOR LICENSURE UNDER THE LAWS PERTAINING TO BAIL

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BONDSMEN AND RUNNERS AND TO MAKE OTHER STYLISTIC CHANGES. (Became law upon approval of the Governor, July 18, 2007 - S.L. 2007-228.)

H.B. 1132, AN ACT TO AUTHORIZE THE PAYMENT OF A PER DIEM TO PUBLIC HEALTH AUTHORITY BOARDS AND TO AUTHORIZE PUBLIC HEALTH AUTHORITY BOARDS TO ENTER INTO INSTALLMENT CONTRACTS. (Became law upon approval of the Governor, July 18, 2007 - S.L. 2007-229.)

H.B. 642, AN ACT AMENDING THE LAW RELATING TO COMMUNITY COLLEGE PERFORMANCE STANDARDS. (Became law upon approval of the Governor, July 18, 2007 - S.L. 2007-230.)

H.B. 680, AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE UNIFORM BOILER AND PRESSURE VESSEL ACT AND TO REVISE SERVICE REQUIREMENTS TO CONFORM WITH RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE. (Became law upon approval of the Governor, July 18, 2007 - S.L. 2007-231.)

H.B. 1359, AN ACT TO PROVIDE VETERINARIANS WITH IMMUNITY FROM LIABILITY FOR REPORTING ANIMAL CRUELTY. (Became law upon approval of the Governor, July 18, 2007 - S.L. 2007-232.)

H.B. 1414, AN ACT TO REVISE THE LAW PROVIDING FOR CREDITABLE SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM FOR MEMBERS WHO SERVED IN THE UNIFORMED SERVICES. (Became law upon approval of the Governor, July 18, 2007 - S.L. 2007-233.)

H.B. 1640, AN ACT TO REPEAL THE PROHIBITION ON THE USE OF MULTICOLOR PROCESS FOR PUBLICATIONS PUBLISHED AT STATE EXPENSE. (Became law upon approval of the Governor, July 18, 2007 - S.L. 2007-234.)

S.B. 1118, AN ACT TO ALLOW THE UNBUNDLING OF VEHICLE LICENSE AND REGISTRATION FEES FROM RENTAL CAR RATES. (Became law upon approval of the Governor, July 18, 2007 - S.L. 2007-235.)

S.B. 1086, AN ACT TO PROTECT CHILDREN IN THE PUBLIC SCHOOLS FROM EXPOSURE TO TOBACCO BY REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN SCHOOL BUILDINGS, IN SCHOOL FACILITIES, ON SCHOOL CAMPUSES, OR AT SCHOOL-RELATED OR SCHOOL-SPONSORED EVENTS, AND IN OR ON OTHER SCHOOL PROPERTY. (Became law upon approval of the Governor, July 18, 2007 - S.L. 2007-236.)

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H.B. 1143, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN STANLY COUNTY. (Became law upon ratification, July 18, 2007 - S.L. 2007-237.)

H.B. 1197, AN ACT AMENDING THE CHARTER OF THE CITY OF STATESVILLE TO MODIFY THE POWERS AND DUTIES OF THE CIVIL SERVICE BOARD AND AMENDING THE ACT OF ESTABLISHING THE BUNCOMBE COUNTY SHERIFF'S PERSONNEL ADVISORY BOARD. (Became law upon ratification, July 18, 2007 - S.L. 2007-238.)

CALENDAR (*continued*)

S.B. 19 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE DESCRIPTION OF THE BOUNDARY BETWEEN THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE EDGECOMBE COUNTY PUBLIC SCHOOL SYSTEM, 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 Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, July 23, upon third reading.

S.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CLAYTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE AND TO ALLOW THE TOWN OF CLAYTON TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE TOWN'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE TOWN'S SATELLITE CORPORATE LIMITS, 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 Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan,

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Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, July 23, upon third reading.

H.B. 555 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE GREATER FLEXIBILITY IN THE PAYMENT OF SPECIAL ASSESSMENTS AND THE COLLECTION OF DELINQUENT SPECIAL ASSESSMENT PAYMENTS, AND TO ALLOW THE CITY OF ROANOKE RAPIDS TO ASSESS BENEFITED PROPERTIES FOR MAINTENANCE OF PARKING LOTS, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, July 23, upon third reading.

S.B. 221 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CONCERNING INVESTMENTS OF THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH, AND THE COUNTIES OF GUILFORD, MECKLENBURG, AND WAKE, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Goodall, the Senate concurs in the House Committee Substitute bill No. 2 (47-0) and the bill is ordered enrolled.

S.B. 227 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF NEW HANOVER AND THE CITY OF WILMINGTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S PUBLIC NUISANCE ORDINANCE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Boseman, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled.

The Chair extends the courtesies of the gallery to The Honorable Robert Warren, former Senator from Johnston County.

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S.B. 649 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL EXEMPTIONS FROM A LOCAL ACT LIMITING HEIGHT OF BUILDINGS IN THE CITY OF HENDERSONVILLE AND TO NARROW ITS APPLICABILITY TO A DEFINED AREA WITHIN THAT CITY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled.

S.B. 652 (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITIES' OVERGROWN VEGETATION ORDINANCES AND ALLOWING THE CITY OF EDEN TO AMEND BY ORDINANCE A PROVISION OF ITS CHARTER, for adoption.

Upon motion of Senator Purcell, the Senate adopts the Conference Report (47-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

RECOGNITION OF MISS NORTH CAROLINA

With unanimous consent, upon motion of Senator Dorsett, privileges of the floor are extended to Jessica Jacobs, Miss North Carolina 2007, from High Point. Senator Bingham, Senator Dorsett, Senator Hagan, and Senator Tillman are appointed to escort Miss Jacobs to the Well of the Senate. Miss Jacobs is recognized to address the Senate.

The President recognizes the Committee to escort Miss Jacobs from the Chamber.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1483, A JOINT RESOLUTION OBSERVING THE ONE HUNDREDTH ANNIVERSARY OF THE HISTORIC MITCHELL COUNTY COURTHOUSE, referred to the **Rules and Operations of the Senate Committee** on March 27.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, July 23, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, July 23.

H.B. 851, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EDUCATIONAL REQUIREMENT FOR THE TEACHER ASSISTANT

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SCHOLARSHIP FUND, referred to the **Appropriations/Base Budget Committee** on May 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Education/Higher Education Committee**.

CALENDAR *(continued)*

H.B. 986 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF BUTNER, TO TRANSFER CERTAIN ASSETS PREVIOUSLY HELD BY THE STATE OF NORTH CAROLINA FOR THE TOWN OF BUTNER TO THE NEWLY INCORPORATED TOWN OF BUTNER, AND TO MAKE CONFORMING CHANGES TO PUBLIC LAWS AFFECTING THE BUTNER RESERVATION, as amended by the Finance Committee on July 18, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading by a three-fifths majority vote as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

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. 649, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' REGISTRATION BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE LAWS PERTAINING TO LANDSCAPE CONTRACTORS.

Upon motion of Senator Kerr, the Chair orders, without objection, the bill temporarily displaced.

WITHDRAWAL FROM COMMITTEE

S.B. 133, A BILL TO BE ENTITLED AN ACT RELATING TO THE 35TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 14.

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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 **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR (*continued*)

H.B. 705, A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO ENTER INTO LEASE PURCHASE OR INSTALLMENT PURCHASE CONTRACTS FOR FOOD SERVICE EQUIPMENT, upon second reading.

Upon motion of Senator Clodfelter, the Chair orders, without objection, the bill temporarily displaced.

H.B. 1488 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE PSYCHOLOGY PRACTICE ACT TO CLARIFY REQUIREMENTS FOR PERMANENT LICENSURE.

Upon motion of Senator Clodfelter, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 649, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' REGISTRATION BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE LAWS PERTAINING TO LANDSCAPE CONTRACTORS, temporarily displaced earlier today.

Upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 24.

H.B. 1321 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A WEIGHT AND SIZE EXCEPTION TO STATE AND LOCAL FIREFIGHTING AGENCIES TRANSPORTING OVERWEIGHT AND OVERSIZED VEHICLES BEING USED TO COMBAT FOREST FIRES, WILDFIRES, AND OTHER EMERGENCIES OR DISASTERS, TO AUTHORIZE THE ISSUANCE OF AN ANNUAL OR SINGLE TRIP PERMIT FOR OVERSIZE AND OVERWEIGHT COMMERCIAL VEHICLES USED IN EMERGENCY RESPONSE, AND TO AUTHORIZE THE ISSUANCE OF A SINGLE TRIP PERMIT FOR OVERSIZE OR OVERWEIGHT VEHICLES OR VEHICLE COMBINATIONS RESPONDING TO AN EMERGENCY EVENT.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 24.

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H.B. 1488 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE PSYCHOLOGY PRACTICE ACT TO CLARIFY REQUIREMENTS FOR PERMANENT LICENSURE, displaced earlier today upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, July 23, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 514, A BILL TO BE ENTITLED AN ACT TO ALLOW PASSENGER BUSES THAT HAVE AN OVERALL LENGTH OF SIXTY-ONE FEET TO OPERATE ON PUBLIC STREETS AND HIGHWAYS, 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 50750, which changes the title upon concurrence to read **H.B. 514** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PASSENGER BUSES THAT HAVE AN OVERALL LENGTH OF FORTY-FIVE FEET TO OPERATE ON PUBLIC STREETS AND HIGHWAYS, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 1332 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO RAISE THE CEILING ON CERTAIN FEES AND AMENDING AND UPDATING CERTAIN OTHER PROVISIONS UNDER THE LAWS REGULATING HEARING AID DEALERS AND FITTERS.

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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H.B. 118 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CHARGED WITH A SEX OFFENSE WHO IS ORDERED TO BE TESTED FOR A SEXUALLY TRANSMITTED INFECTION MUST BE TESTED WITHIN FORTY-EIGHT HOURS OF THE COURT ORDER AND TO PROVIDE THAT HIV TESTING UNDER THESE PROVISIONS WILL USE THE HIV-RNA DETECTION TEST FOR DETERMINING HIV INFECTION.

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.

The Senate recesses at 1:43 P.M. for the purpose of a Pensions & Retirement and Aging Committee meeting to reconvene at 1:50 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. 729 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS NONFLEET PRIVATE PASSENGER MOTOR VEHICLE INSURANCE RATE EVASION FRAUD AND TO AUTHORIZE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE ISSUES RELATED TO AUTOMOBILE INSURANCE RATE EVASION.

Senator Jenkins 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.

WITHDRAWAL FROM CALENDAR

H.B. 1321 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A WEIGHT AND SIZE EXCEPTION TO STATE AND LOCAL FIREFIGHTING AGENCIES TRANSPORTING OVERWEIGHT AND OVERSIZED VEHICLES BEING USED TO COMBAT FOREST FIRES, WILDFIRES, AND OTHER EMERGENCIES OR DISASTERS, TO AUTHORIZE THE ISSUANCE OF AN ANNUAL OR SINGLE TRIP PERMIT FOR OVERSIZE AND OVERWEIGHT COMMERCIAL VEHICLES USED IN EMERGENCY RESPONSE, AND TO AUTHORIZE THE ISSUANCE OF A SINGLE TRIP PERMIT FOR OVERSIZE OR OVERWEIGHT VEHICLES OR VEHICLE COMBINATIONS RESPONDING TO AN EMERGENCY EVENT, placed on the Calendar for Tuesday, July 24.

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Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Tuesday, July 24, and placed on today's Calendar, which motion prevails.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Tuesday, July 24, and places it on today's Calendar.

H.B. 649, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' REGISTRATION BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE LAWS PERTAINING TO LANDSCAPE CONTRACTORS, placed on the Calendar for Tuesday, July 24.

Senator Rand, offers a motion that the bill be withdrawn from the Calendar for Tuesday, July 24, and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for Tuesday, July 24, and places it on today's Calendar.

WITHDRAWAL FROM COMMITTEE

S.B. 358, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE BENTONVILLE BATTLEFIELD FUND IN THE DIVISION OF STATE HISTORIC SITES, referred to the **Appropriations/Base Budget Committee** on February 27.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR *(continued)*

H.B. 892 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE LICENSURE ACT FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS.

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.

H.B. 1500 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE DEFENDANT ACCESS TO DNA TESTING OF EVIDENCE WHEN CURRENT TESTING PROCEDURES ARE MORE ACCURATE THAN PAST TESTING PROCEDURES, TO AMEND THE LAW GOVERNING THE PRESERVATION AND DISPOSITION OF POSSIBLE DNA EVIDENCE AND POSTCONVICTION DNA TESTING, AND TO PROVIDE A RIGHT OF APPEAL TO A DEFENDANT FOR DENIAL OF A MOTION TO CONDUCT DNA TESTING.

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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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

H.B. 1471 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ALLOW AN EXISTING CHARTER SCHOOL TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, with a favorable report.

S.B. 1226, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED HEALTH CARE PROFESSIONALS TO RETURN TO EMPLOYMENT WITH LOCAL HEALTH DEPARTMENTS WITHOUT LOSING RETIREMENT BENEFITS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75436, which changes the title to read **S.B. 1226** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED NURSES TO RETURN TO EMPLOYMENT WITH LOCAL HEALTH DEPARTMENTS IN CLEVELAND COUNTY WITHOUT LOSING RETIREMENT BENEFITS, is adopted and engrossed.

Upon motion of Senator Dalton, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CALENDAR *(continued)*

H.B. 1529 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES' HEALTH BENEFITS.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 24.

H.B. 1598 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS AND TO EXTEND THE TIME FOR FILING AN APPLICATION TO OCTOBER 15.

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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.

H.B. 1625 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EYEWITNESS IDENTIFICATION REFORM ACT.

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.

H.B. 649, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' REGISTRATION BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE LAWS PERTAINING TO LANDSCAPE CONTRACTORS, placed earlier on today's Calendar, upon second reading.

Senator Kerr offers Amendment No. 1 which is adopted (49-0).

The bill, as amended, passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for Monday, July 23, upon third reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Tillman.

H.B. 1626 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CUSTODIAL INTERROGATION IN A HOMICIDE CASE MUST BE ELECTRONICALLY RECORDED IN ITS ENTIRETY.

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.

S.B. 1518 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JEANNE HOPKINS LUCAS SCHOLARSHIP FUND.

The Committee Substitute bill No. 2 passes its third reading (44-4) and is ordered sent to the House of Representatives by special message.

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S.B. 56 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, EXPAND THE HEALTH CARE PERSONNEL REGISTRY AND AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT RULES ALLOWING THE ISSUANCE OF RATED CERTIFICATES TO ADULT CARE HOMES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Bingham, the Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Bingham offers a motion that the Senate appoint conferees, which motion prevails.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 514 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT BUSINESSES THAT SUPPLY PERISHABLE PRODUCTS FROM MISREPRESENTING THE GEOGRAPHICAL LOCATIONS OF THEIR BUSINESSES IN TELEPHONE DIRECTORIES, DIRECTORY ASSISTANCE DATABASES, ON THE INTERNET, AND IN PRINT ADVERTISEMENTS, for concurrence in House Amendment No. 1.

Upon motion of Senator Boseman, the Senate concurs in House Amendment No. 1 (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 924 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELEMENT MAKING PASSING A STOPPED SCHOOL BUS AND STRIKING A PERSON A FELONY FROM REQUIRING "SERIOUS BODILY INJURY" AND REMOVING THE REQUIREMENT OF SIGNAGE BEING AT LEAST EIGHT INCHES FROM THE DEFINITION OF SCHOOL BUS TO CORRESPOND TO THE CHANGES MADE TO G.S. 20-217 IN THE 2005 SESSION AND REQUIRING THAT SCHOOL BUSES BE PAINTED YELLOW, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brunstetter, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 999 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE LAWS PERTAINING TO IMPAIRED DRIVING OFFENSES AND TO PROVIDE THAT THE COURT MAY ORDER SECURE CUSTODY OF A JUVENILE WHEN THE JUVENILE IS CHARGED WITH A VIOLATION OF EITHER DRIVING WHILE IMPAIRED OR UNDERAGE DRINKING AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE DISPOSITIONAL ALTERNATIVES FOR JUVENILES WHO ARE ADJUDICATED DELINQUENT FOR A DRIVING WHILE IMPAIRED OR AN UNDERAGE DRINKING VIOLATION, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 1058 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE FRAUDULENT OBTAINING, SELLING, OR SOLICITING OF TELEPHONE RECORDS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stevens, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 1327 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD AN EXCEPTION TO THE CIRCUMSTANCES UNDER WHICH A SURETY ON A BAIL BOND IS NOT REQUIRED TO RETURN THE PREMIUM ON THE BOND UNDER THE LAWS REGULATING BAIL BONDSMEN AND RUNNERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Berger of Rockingham, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 1464 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILDLIFE RESOURCES MANAGEMENT LAWS BY AUTHORIZING THE WILDLIFE RESOURCES COMMISSION TO RESPOND TO DISEASE THREATS; BY ALLOWING THE TAKING OF BEAVER WITH BOW AND ARROW; BY AMENDING CERTAIN LAWS GOVERNING THE TAKING OF DEER; BY PROVIDING FOR THE SAFETY OF BOW HUNTERS DURING FIREARMS SEASON; BY PROHIBITING THE FEEDING OF ALLIGATORS; BY ALLOWING THE USE OF ELECTRONIC CALLING DEVICES FOR SNOW GEESE; AND STUDYING THE TRACKING OF WOUNDED WILDLIFE AFTER LEGAL HUNTING HOURS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill No. 2 (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 1466 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES RELATING TO HEALTH AND SAFETY TO THE MIGRANT HOUSING ACT OF NORTH CAROLINA AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

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S.B. 1468 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE INNOVATIVE STORMWATER MANAGEMENT AND WATER QUALITY PROTECTION EFFORTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (47-1) and the bill is ordered enrolled and sent to the Governor.

S.B. 1479 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (2-46).

Senator Dalton 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.

WITHDRAWAL FROM COMMITTEE

S.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF ROBBERY WITH AN APPARENT FIREARM, referred to the **Appropriations/Base Budget Committee** on May 17.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Judiciary II Committee**.

CALENDAR *(continued)*

H.B. 705, A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO ENTER INTO LEASE PURCHASE OR INSTALLMENT PURCHASE CONTRACTS FOR FOOD SERVICE EQUIPMENT, temporarily displaced earlier today, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---48.

Voting in the negative: None.

The bill remains on the Calendar for Monday, July 23, upon third reading.

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H.B. 1321 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A WEIGHT AND SIZE EXCEPTION TO STATE AND LOCAL FIREFIGHTING AGENCIES TRANSPORTING OVERWEIGHT AND OVERSIZED VEHICLES BEING USED TO COMBAT FOREST FIRES, WILDFIRES, AND OTHER EMERGENCIES OR DISASTERS, TO AUTHORIZE THE ISSUANCE OF AN ANNUAL OR SINGLE TRIP PERMIT FOR OVERSIZE AND OVERWEIGHT COMMERCIAL VEHICLES USED IN EMERGENCY RESPONSE, AND TO AUTHORIZE THE ISSUANCE OF A SINGLE TRIP PERMIT FOR OVERSIZE OR OVERWEIGHT VEHICLES OR VEHICLE COMBINATIONS RESPONDING TO AN EMERGENCY EVENT, placed earlier on today's Calendar upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---48.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, July 23, upon third reading.

The Chair grants a leave of absence for the remainder of today's session to Senator East.

S.B. 1226 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED NURSES TO RETURN TO EMPLOYMENT WITH LOCAL HEALTH DEPARTMENTS IN CLEVELAND COUNTY WITHOUT LOSING RETIREMENT BENEFITS, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 1191 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF EASTOVER, placed earlier on today's Calendar upon second reading.

The Committee Substitute bill passes its second reading (47-0), by a three-fifths majority vote as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell,

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Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, July 23, upon third reading.

S.B. 831 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT STREAMLINING LOCAL GOVERNMENT REGULATION OF WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES AND THE COLLOCATION OF WIRELESS FACILITIES, placed earlier on today's Calendar.

The Committee Substitute bill No. 2 passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1479 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1479 earlier today and the motion by Senator Dalton to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Dalton, Chair, Senator Hagan and Senator Queen 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. 56 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, EXPAND THE HEALTH CARE PERSONNEL REGISTRY AND AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT RULES ALLOWING THE ISSUANCE OF RATED CERTIFICATES TO ADULT CARE HOMES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 56 earlier today 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 Nesbitt; Senator Berger of Franklin; 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.

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ADDITIONAL SPONSOR

Senator McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 1079, A BILL TO BE ENTITLED AN ACT PROVIDING PROTECTIONS FOR, AND CIVIL REMEDIES TO, VICTIMS OF HUMAN TRAFFICKING.

Upon motion of Senator Basnight, seconded by Senator Jones, 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 Monday, July 23, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction and presented to the Senate, read the first time, and disposed of, as follows:

By Senator Foriest:

S.J.R. 1569, A JOINT RESOLUTION HONORING THE ACCOMPLISHMENTS OF JOE THOMPSON AND THE LATE ODELL THOMPSON, LEGENDARY NORTH CAROLINA MUSICIANS.

Referred to the **Rules and Operations of the Senate Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 103 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR SPECIAL PLATE AND TO ELIMINATE THE FEE FOR THE GOLD STAR SPECIAL PLATE; TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS; TO ELIMINATE THE ADDITIONAL FEE AMOUNT FOR THE BREAST CANCER AWARENESS PLATE; TO INCREASE THE ADDITIONAL FEE FOR THE NC COASTAL FEDERATION PLATE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: PROSTATE CANCER AWARENESS, JUVENILE DIABETES RESEARCH, BREAST CANCER EARLIER DETECTION, BRAIN INJURY AWARENESS, NC TENNIS FOUNDATION, ALS RESEARCH, NATIONAL KIDNEY FOUNDATION, AIDS AWARENESS, HOME CARE AND

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HOSPICE, AND HOSPICE CARE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ASSIGN A SPECIAL REGISTRATION PLATE FOR THE PRESIDENT OF THE NORTH CAROLINA COMMUNITY COLLEGES SYSTEM; AND TO MAKE TECHNICAL CORRECTIONS IN THE STATUTE CONCERNING ASSIGNMENTS OF SPECIAL REGISTRATION PLATES TO STATE GOVERNMENT OFFICIALS, for concurrence in the House Committee Substitute bill No. 3.

The House Committee Substitute bill No. 3 is placed on the Calendar for Monday, July 23, for concurrence.

S.B. 473 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING ON PRIVATE PROPERTY WITHOUT WRITTEN PERMISSION FROM THE LANDOWNER OR LESSEE AND TO PROHIBIT HUNTING ON PRIVATE PROPERTY WHILE UNDER THE INFLUENCE OF AN IMPAIRING SUBSTANCE, 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 23, for concurrence.

S.B. 720 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN OPEN ENROLLMENT PERIOD IN THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE LEGISLATIVE RETIREMENT SYSTEM, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 23, for concurrence.

H.B. 1217, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF NAVASSA TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

Referred to the **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 19, 2007

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. 922**

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(Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION, and requests conferees.

Speaker Hackney has appointed:

Representative Spear, Chair, and
Representative Mobley

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, 2007

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. 1136** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE TOWNS OF DAVIDSON, FRANKLIN, AND MURPHY TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS, and requests conferees.

Speaker Hackney has appointed:

Representative Haire, Chair
Representative West, and
Representative Sutton

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 986, AN ACT TO INCORPORATE THE TOWN OF BUTNER, TO TRANSFER CERTAIN ASSETS PREVIOUSLY HELD BY THE STATE OF NORTH CAROLINA FOR THE TOWN OF BUTNER TO THE NEWLY INCORPORATED TOWN OF BUTNER, AND TO MAKE CONFORMING CHANGES TO PUBLIC LAWS AFFECTING THE BUTNER RESERVATION.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 19, 2007

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. 652** (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITIES' OVERGROWN VEGETATION ORDINANCES AND ALLOWING THE CITY OF EDEN TO AMEND BY ORDINANCE A PROVISION OF ITS CHARTER.

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. 652 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:

July 19, 2007

House of Representatives
July 19, 2007

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 56**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, and requests conferees, Speaker Hackney appoints:

Representative Weiss, Chair
Representative Earle
Representative Bordsen
Representative Farmer-Butterfield
Representative Clary
Representative Barnhart, and
Representative England

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 19, 2007

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1479** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS, and requests conferees, Speaker Hackney appoints:

Representative Jeffus, Chair
Representative Lucas
Representative McLawhorn, and
Representative Pate

July 19, 2007

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 4:51 P.M.

ONE HUNDRED SECOND DAY

Senate Chamber
Monday, July 23, 2007

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 Steve Sumerel, Member, First Baptist Church, Raleigh, North Carolina as follows:

"Gracious God, you are the God who is and has been present throughout history. You are the God whose story is woven in the lives of people, great and small, who have turned to you in times of need and decision. You are the God who has granted provision in the desert, courage in the battle, and peace in the shadowy valley. So we pray now, for that same presence in the midst of this Chamber and within the hearts of these servants, that your provision, your courage, your peace will be real to them in this time of deliberation. When the common good is to be found most in that vast gray area between black and white, may wisdom abound and may discernment conquer complexity. This we humbly pray. Amen."

The Chair grants leaves of absence for tonight to Senator Allran, Senator Hoyle and Senator Smith.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, 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.

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The Chair extends privileges of the floor to Dr. Michael Brennan from Burlington, North Carolina and Dr. Jugta Kahai from Southport, North Carolina, who is serving the Senate as Doctor of the Day, and to Melba Millsaps from Robbinsville, North Carolina and Lucy Kernodle from Burlington, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 514, AN ACT TO PROHIBIT BUSINESSES THAT SUPPLY PERISHABLE PRODUCTS FROM MISREPRESENTING THE GEOGRAPHICAL LOCATIONS OF THEIR BUSINESSES IN TELEPHONE DIRECTORIES, DIRECTORY ASSISTANCE DATABASES, ON THE INTERNET, AND IN PRINT ADVERTISEMENTS.

S.B. 924, AN ACT TO CHANGE THE ELEMENT MAKING PASSING A STOPPED SCHOOL BUS AND STRIKING A PERSON A FELONY FROM REQUIRING "SERIOUS BODILY INJURY" AND REMOVING THE REQUIREMENT OF SIGNAGE BEING AT LEAST EIGHT INCHES FROM THE DEFINITION OF SCHOOL BUS TO CORRESPOND TO THE CHANGES MADE TO G.S. 20-217 IN THE 2005 SESSION AND REQUIRING THAT SCHOOL BUSES BE PAINTED YELLOW.

S.B. 999, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE LAWS PERTAINING TO IMPAIRED DRIVING OFFENSES AND TO PROVIDE THAT THE COURT MAY ORDER SECURE CUSTODY OF A JUVENILE WHEN THE JUVENILE IS CHARGED WITH A VIOLATION OF EITHER DRIVING WHILE IMPAIRED OR UNDERAGE DRINKING AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE DISPOSITIONAL ALTERNATIVES FOR JUVENILES WHO ARE ADJUDICATED DELINQUENT FOR A DRIVING WHILE IMPAIRED OR AN UNDERAGE DRINKING VIOLATION.

S.B. 1058, AN ACT TO PROHIBIT THE FRAUDULENT OBTAINING, SELLING, OR SOLICITING OF TELEPHONE RECORDS.

S.B. 1327, AN ACT TO ADD AN EXCEPTION TO THE CIRCUMSTANCES UNDER WHICH A SURETY ON A BAIL BOND IS NOT REQUIRED TO RETURN THE PREMIUM ON THE BOND UNDER THE LAWS REGULATING BAIL BONDSMEN AND RUNNERS.

S.B. 1464, AN ACT TO AMEND THE WILDLIFE RESOURCES MANAGEMENT LAWS BY AUTHORIZING THE WILDLIFE RESOURCES

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COMMISSION TO RESPOND TO DISEASE THREATS; BY ALLOWING THE TAKING OF BEAVER WITH BOW AND ARROW; BY AMENDING CERTAIN LAWS GOVERNING THE TAKING OF DEER; BY PROVIDING FOR THE SAFETY OF BOW HUNTERS DURING FIREARMS SEASON; BY PROHIBITING THE FEEDING OF ALLIGATORS; BY ALLOWING THE USE OF ELECTRONIC CALLING DEVICES FOR SNOW GEESE; AND STUDYING THE TRACKING OF WOUNDED WILDLIFE AFTER LEGAL HUNTING HOURS.

S.B. 1466, AN ACT TO MAKE CHANGES RELATING TO HEALTH AND SAFETY TO THE MIGRANT HOUSING ACT OF NORTH CAROLINA AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS.

S.B. 1468, AN ACT TO PROMOTE INNOVATIVE STORMWATER MANAGEMENT AND WATER QUALITY PROTECTION EFFORTS.

H.B. 563, AN ACT TO MAKE CHANGES IN MOTOR VEHICLE LAW REGARDING WHAT "PUBLIC SERVICE VEHICLE" MEANS, CHANGING THE WORD STOPLIGHT TO TRAFFIC SIGNAL, CHANGING THE TIME ALLOWED FOR REMOVAL OF A VEHICLE FROM A PUBLIC HIGHWAY OR REST AREA, AUTHORIZING LOCAL GOVERNMENTS TO ADOPT ORDINANCES REGULATING DEMONSTRATIONS ON STATE ROADS AND HIGHWAYS, AND THE WEARING OF A SAFETY HELMET BY USE OF A RETENTION STRAP.

H.B. 589, AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE POULTRY PRODUCTS INSPECTION ACT.

H.B. 610, AN ACT TO SET THE NUMBER OF DESIGN-BUILD CONSTRUCTION CONTRACTS THAT MAY BE AWARDED BY THE DEPARTMENT OF TRANSPORTATION AT TWENTY-FIVE CONTRACTS EACH FISCAL YEAR.

H.B. 958, AN ACT TO DESIGNATE THE GRAVEYARD OF THE ATLANTIC MUSEUM AS A MEMBER OF THE STATE HISTORY MUSEUMS DIVISION IN THE DEPARTMENT OF CULTURAL RESOURCES.

H.B. 1277, AN ACT TO PROVIDE FOR THE REVOCATION OF THE DRIVERS LICENSE OF ANY PERSON CONVICTED OF GIVING ALCOHOLIC BEVERAGES TO, OR AIDING AND ABETTING THE PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES BY, AN UNDERAGE PERSON AND TO ALLOW FOR A LIMITED DRIVING PRIVILEGE.

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H.B. 1402, AN ACT REQUIRING THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF TRANSPORTATION TO CONSULT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS BEFORE BEGINNING THE DESIGN OR CONSTRUCTION OF NEW WELCOME CENTER OR VISITOR CENTER BUILDINGS AND CLARIFYING THAT THE DEPARTMENT OF TRANSPORTATION MAY PROCEED WITH THE CONSTRUCTION OF VISITOR CENTER BUILDINGS UNDERWAY IN RANDOLPH AND WILKES COUNTIES.

H.B. 1546, AN ACT TO REQUIRE A COMMERCIAL DRIVERS LICENSE THAT HAS A SCHOOL BUS ENDORSEMENT TO EXPIRE THREE YEARS AFTER IT IS ISSUED.

H.B. 1671, AN ACT TO PROVIDE FOR THE ARBITRATION OF CLAIMS FOR PERSONAL INJURY OR WRONGFUL DEATH BASED ON ALLEGED NEGLIGENCE IN THE PROVISION OF HEALTH CARE, UPON THE AGREEMENT OF ALL PARTIES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 221, AN ACT CONCERNING INVESTMENTS OF THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH, AND THE COUNTIES OF GUILFORD, MECKLENBURG, AND WAKE.

S.B. 227, AN ACT TO AUTHORIZE THE COUNTY OF NEW HANOVER AND THE CITY OF WILMINGTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S PUBLIC NUISANCE ORDINANCE.

S.B. 432, AN ACT REMOVING CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE CITY OF GREENSBORO.

S.B. 649, AN ACT TO REPEAL EXEMPTIONS FROM A LOCAL ACT LIMITING HEIGHT OF BUILDINGS IN THE CITY OF HENDERSONVILLE AND TO NARROW ITS APPLICABILITY TO A DEFINED AREA WITHIN THAT CITY.

S.B. 652, AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITIES' OVERGROWN VEGETATION ORDINANCES AND ALLOWING THE CITY OF EDEN TO AMEND BY ORDINANCE A PROVISION OF ITS CHARTER.

H.B. 254, AN ACT TO ALLOW THE CITY OF CONOVER TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES.

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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. 489, AN ACT TO REDUCE THE TERMS OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FROM FIVE YEARS TO FOUR YEARS AND TO AUTHORIZE THE CITY OF ASHEVILLE AND THE ASHEVILLE CITY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR TEACHERS, POLICE OFFICERS, AND FIREFIGHTERS. (Became law upon ratification, July 19, 2007 - S.L. 2007-239.)

H.B. 941, AN ACT TO REPEAL A LOCAL ACT ON DISPOSITION OF PROPERTY BY BRUNSWICK COUNTY SO THE GENERAL LAW WILL APPLY. (Became law upon ratification, July 19, 2007 - S.L. 2007-240.)

H.B. 1097, AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION. (Became law upon ratification, July 19, 2007 - S.L. 2007-241.)

H.B. 1182, AN ACT AMENDING THE CHARTER OF THE VILLAGE OF SUGAR MOUNTAIN TO EXTEND THE MAYOR'S TERM OF OFFICE FROM TWO YEARS TO FOUR YEARS. (Became law upon ratification, July 19, 2007 - S.L. 2007-242.)

S.B. 60, AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO AS SOON AS PRACTICABLE DESIGNATE A TEMPORARY LOCATION FOR REGISTRATION DOCUMENT AND PLATE ACQUISITION WHEN CLOSING THE ONLY CONTRACT LICENSE PLATE AGENCY IN A COUNTY. (Became law upon approval of the Governor, July 20, 2007 - S.L. 2007-243.)

H.B. 257, AN ACT TO AMEND THE SALES TAX DEFINITIONS TO COMPLY WITH THE STREAMLINED SALES TAX AGREEMENT AND TO MAKE OTHER SALES TAX CHANGES. (Became law upon approval of the Governor, July 20, 2007 - S.L. 2007-244.)

H.B. 676, AN ACT TO INCREASE THE MAXIMUM ANNUAL PENSION BENEFIT PAYABLE THROUGH THE REGISTER OF DEEDS' SUPPLEMENTAL PENSION FUND AND TO MAKE OTHER ADJUSTMENTS TO THE FUND. (Became law upon approval of the Governor, July 20, 2007 - S.L. 2007-245.)

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H.B. 833, AN ACT TO RENAME THE FIREMEN'S RELIEF FUND THE FIREFIGHTERS' RELIEF FUND IN RECOGNITION OF THE NUMEROUS FEMALE FIREFIGHTERS WHO SERVE. (Became law upon approval of the Governor, July 20, 2007 - S.L. 2007-246.)

H.B. 1338, AN ACT AUTHORIZING THE ELECTRICAL CONTRACTORS BOARD TO RAISE THE PROJECT VALUE LIMITS FOR LICENSE CLASSIFICATIONS UNDER THE LAWS REGULATING ELECTRICAL CONTRACTORS AND TO RAISE THE PROJECT VALUE LIMITS FOR LICENSE CLASSIFICATIONS UNDER THE LAWS REGULATING GENERAL CONTRACTORS. (Became law upon approval of the Governor, July 20, 2007 - S.L. 2007-247.)

H.B. 1369, AN ACT PERTAINING TO THE PRESERVATION OF PRESCRIPTION DRUG ORDERS BY PHARMACIES AND TO PERMIT MEDICAL CONSENT AND AUTHORIZATION FORMS TO BE KEPT IN THE SAME ELECTRONIC FORMAT AS OTHER MEDICAL RECORDS. (Became law upon approval of the Governor, July 20, 2007 - S.L. 2007-248.)

S.B. 1287, AN ACT TO PROVIDE THAT THE OFFICE OF INDIGENT DEFENSE SERVICES OF THE JUDICIAL DEPARTMENT MAY HAVE ACCESS TO SOCIAL SECURITY INFORMATION SUBMITTED AS PART OF AN APPLICATION FOR A DRIVERS LICENSE AND KEPT ON FILE AT THE DIVISION OF MOTOR VEHICLES. (Became law upon approval of the Governor, July 20, 2007 - S.L. 2007-249.)

S.B. 238, AN ACT TO ADJUST THE ADDITIONAL TAX RATE ON PROPERTY COVERAGE CONTRACTS TO BE REVENUE NEUTRAL BASED ON AN EXPANSION OF THE TAX BASE ENACTED IN S.L. 2006-196, TO INCREASE THE DISTRIBUTION OF THE TAX PROCEEDS TO THE VOLUNTEER FIRE DEPARTMENT FUND, TO AMEND THE VOLUNTEER FIRE DEPARTMENT GRANT PROGRAM TO ALLOW MORE DEPARTMENTS TO QUALIFY FOR GRANTS, AND TO MODIFY THE DISTRIBUTION OF TAX PROCEEDS TO THE LOCAL FIREMEN'S RELIEF FUNDS. (Became law upon approval of the Governor, July 20, 2007 - S.L. 2007-250.)

S.B. 1432, AN ACT TO ALLOW FOR A MEANINGFUL CHALLENGE TO AN ADMINISTRATIVE SUBPOENA. (Became law upon approval of the Governor, July 20, 2007 - S.L. 2007-251.)

S.B. 632, AN ACT TO REPEAL THE LAW ESTABLISHING THE BLACK MOUNTAIN ADVANCEMENT CENTER FOR WOMEN. (Became law upon approval of the Governor, July 20, 2007 - S.L. 2007-252.)

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H.B. 91, AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT ONE-STOP ABSENTEE VOTING SITES. (Became law upon approval of the Governor, July 20, 2007 - S.L. 2007-253.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 1079, A BILL TO BE ENTITLED AN ACT PROVIDING PROTECTIONS FOR, AND CIVIL REMEDIES TO, VICTIMS OF HUMAN TRAFFICKING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85359, which changes the title to read **S.B. 1079** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING, is adopted and engrossed.

Upon motion of Senator Nesbitt, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 976 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF PUBLIC VEHICULAR AREA IN MOTOR VEHICLE LAW AND TO REQUIRE ACCESS TO GATED COMMUNITIES FOR EMERGENCY SERVICE VEHICLES, 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 60389, is adopted and engrossed.

H.B. 1231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO WAIVE THE REQUIREMENT TO OBTAIN A CONCEALED HANDGUN PERMIT TO CARRY A CONCEALED HANDGUN FOR CERTAIN PERSONS AUTHORIZED BY FEDERAL LAW TO CARRY CONCEALED HANDGUNS AND FOR CERTAIN FEDERAL AND STATE RETIRED LAW ENFORCEMENT OFFICERS, 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 70596, which changes the title upon concurrence to read **H.B. 1231** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO WAIVE THE REQUIREMENT TO OBTAIN A CONCEALED HANDGUN PERMIT TO CARRY A CONCEALED HANDGUN FOR CERTAIN PERSONS AUTHORIZED BY FEDERAL LAW TO CARRY CONCEALED HANDGUNS AND FOR CERTAIN FEDERAL AND STATE RETIRED LAW ENFORCEMENT OFFICERS, AND TO EXEMPT ARMED ARMORED CAR

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SERVICE GUARDS AND ARMED SECURITY GUARDS WHILE PERFORMING DUTIES FROM PROHIBITIONS ON CARRYING WEAPONS ON CERTAIN EDUCATIONAL PROPERTY, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 349, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW ALLOWING THE STATE BOARD OF EDUCATION TO REMOVE LOCAL SCHOOL BOARD MEMBERS, with a favorable report.

H.B. 454 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING THE TAKING OF A PHOTOGRAPH OF A PERSON OPERATING A MOTOR VEHICLE WHO DOES NOT PRODUCE A VALID DRIVERS LICENSE UPON THE REQUEST OF A LAW ENFORCEMENT OFFICER WHERE THE LAW ENFORCEMENT OFFICER HAS A REASONABLE SUSPICION REGARDING THE TRUE IDENTITY OF THE PERSON, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30514, which changes the title upon concurrence to read **H.B. 454** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING THE TAKING OF A PHOTOGRAPH OF A PERSON WHO IS CITED FOR A MOTOR VEHICLE MOVING VIOLATION, WHO DOES NOT PRODUCE A VALID DRIVERS LICENSE UPON THE REQUEST OF A LAW ENFORCEMENT OFFICER, AND WHERE THE LAW ENFORCEMENT OFFICER HAS A REASONABLE SUSPICION REGARDING THE TRUE IDENTITY OF THE PERSON, AND TO PROVIDE A CAUSE OF ACTION FOR A PERSON WHOSE IDENTIFYING INFORMATION IS PUBLISHED OVER OBJECTION, is adopted and engrossed.

H.B. 772 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUSPEND ADMISSIONS OR SERVICES IN HOSPITALS AS PART OF TAKING ADVERSE ACTION AGAINST A HOSPITAL'S LICENSE; TO ALLOW FOR THE WAIVER OF HOSPITAL LICENSURE RULES DURING AN EMERGENCY; TO ALLOW CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF LICENSED MENTAL HEALTH FACILITIES BY PRIVATE ENTITIES; TO MAKE TECHNICAL CORRECTIONS IN THE HEALTH CARE PERSONNEL REGISTRY STATUTES; TO REQUIRE FINES TO BE PAID PRIOR TO TRANSFER OF OWNERSHIP OF ADULT CARE HOMES; AND TO CHANGE TIME FRAMES OF INVESTIGATIONS OF ADULT CARE HOMES, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10264, which changes the title upon concurrence to read **H.B. 772** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUSPEND ADMISSIONS OR SERVICES IN HOSPITALS AS PART OF TAKING ADVERSE ACTION AGAINST A HOSPITAL'S LICENSE; TO ALLOW FOR THE WAIVER OF HOSPITAL LICENSURE RULES DURING AN EMERGENCY; TO ALLOW CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF LICENSED MENTAL HEALTH FACILITIES BY PRIVATE ENTITIES; TO MAKE TECHNICAL CORRECTIONS IN THE HEALTH CARE PERSONNEL REGISTRY STATUTES; TO REQUIRE FINES TO BE PAID PRIOR TO TRANSFER OF OWNERSHIP OF ADULT CARE HOMES; TO CHANGE TIME FRAMES OF INVESTIGATIONS OF ADULT CARE HOMES; AND TO REQUIRE THE CODIFIER OF RULES TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE HEALTH SERVICES COMMISSION, is adopted and engrossed.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 1191 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF EASTOVER, upon third reading.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 24, upon third reading.

S.B. 103 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR SPECIAL PLATE AND TO ELIMINATE THE FEE FOR THE GOLD STAR SPECIAL PLATE; TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS; TO ELIMINATE THE ADDITIONAL FEE AMOUNT FOR THE BREAST CANCER AWARENESS PLATE; TO INCREASE THE ADDITIONAL FEE FOR THE NC COASTAL FEDERATION PLATE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: PROSTATE CANCER AWARENESS, JUVENILE DIABETES RESEARCH, BREAST CANCER EARLIER DETECTION, BRAIN INJURY AWARENESS, NC TENNIS FOUNDATION, ALS RESEARCH, NATIONAL KIDNEY FOUNDATION, AIDS AWARENESS, HOME CARE AND HOSPICE, AND HOSPICE CARE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ASSIGN A

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SPECIAL REGISTRATION PLATE FOR THE PRESIDENT OF THE NORTH CAROLINA COMMUNITY COLLEGES SYSTEM; AND TO MAKE TECHNICAL CORRECTIONS IN THE STATUTE CONCERNING ASSIGNMENTS OF SPECIAL REGISTRATION PLATES TO STATE GOVERNMENT OFFICIALS.

Upon motion of Senator Rand, the House Committee Substitute bill No. 3 is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 24, for concurrence.

WITHDRAWAL FROM COMMITTEE

S.B. 668 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS, re-referred to the **Appropriations/Base Budget Committee** on July 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Tuesday, July 24, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Tuesday, July 24.

RECALL FROM THE HOUSE OF REPRESENTATIVES

S.B. 1226 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED NURSES TO RETURN TO EMPLOYMENT WITH LOCAL HEALTH DEPARTMENTS IN CLEVELAND COUNTY WITHOUT LOSING RETIREMENT BENEFITS.

Senator Rand offers a motion that the Committee Substitute bill, which passed its second and third readings on July 19, be recalled from the House of Representatives for further consideration by the Senate, which motion prevails, with unanimous consent.

A message is ordered sent to the House of Representatives requesting the return of S.B. 1226.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 646, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE STUDY OF WATERFRONT ACCESS ISSUES, 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 75435, which changes the title to read **S.B. 646** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH WORKING WATERFRONTS AS A SPECIAL CLASS OF PROPERTY SUBJECT TO PRESENT-USE VALUE; TO ESTABLISH THE ADVISORY COMMITTEE FOR THE COORDINATION OF WATERFRONT ACCESS; TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO MAKE EXPANDED PUBLIC ACCESS TO COASTAL WATERS A PRIORITY IN ITS ROAD PROJECT PLANNING AND CONSTRUCTION PROGRAMS; TO INCREASE FEES FOR VESSEL TITLING; TO PROVIDE THAT FEES ASSOCIATED WITH AN EMERGENCY COASTAL AREA MANAGEMENT ACT PERMIT SHALL BE WAIVED; AND TO DIRECT THE DIVISION OF EMERGENCY MANAGEMENT TO STUDY CONSTRUCTION AND REPAIR IN REGULATED FLOOD ZONES, AS RECOMMENDED BY THE WATERFRONT ACCESS STUDY COMMITTEE, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is referred to the **Finance Committee**.

S.B. 1492, A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) SPECIFY TECHNICAL REQUIREMENTS FOR SOLID WASTE CONTAINERS; (3) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE; (4) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (5) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (6) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL RESPONSIBILITY SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (7) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (8) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT FINANCIAL OR EQUITY INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT AN ENVIRONMENTAL IMPACT STUDY

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AND TRAFFIC STUDY; (11) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (12) AUTHORIZE CERTAIN UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (13) PROVIDE FOR STATE-LEVEL REVIEW OF PROPOSED MULTI-JURISDICTIONAL SOLID WASTE MANAGEMENT FACILITIES; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL FEE TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF ORPHAN LANDFILLS AND OTHER CONTAMINATED SITES; AND (16) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75434, which changes the title to read **S.B. 1492** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS

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FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 773, A BILL TO BE ENTITLED AN ACT TO PROTECT MEMBERS OF THE UNITED STATES ARMED FORCES FROM DISHONEST AND PREDATORY LIFE INSURANCE AND ANNUITY SALES PRACTICES, 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 50751, is adopted and engrossed.

H.B. 73 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE CAPITAL FACILITIES PROGRAM BY DIRECTING THE STATE BUILDING COMMISSION TO REVIEW THE PROGRAM AND IMPLEMENT MEASURES TO REDUCE DELAYS AND INCREASE ACCOUNTABILITY AMONG THE PARTIES TO THE DESIGN

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AND CONSTRUCTION PROCESS, BY INCREASING THE BIDDING AND DESIGNER SELECTION THRESHOLDS FOR STATE CONSTRUCTION CONTRACTS, AND BY DIRECTING THE STATE PERSONNEL OFFICE TO CONDUCT A MARKET STUDY OF ARCHITECT AND ENGINEERING POSITION CLASSIFICATIONS, 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 60388, is adopted and engrossed.

H.B. 265 (Committee Substitute No. 4), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL, with an unfavorable report as to Committee Substitute bill No. 4, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80470, which changes the title upon concurrence to read **H.B. 265** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL AND TO FUND THE NORTH CAROLINA HEALTH INSURANCE RISK POOL FROM SAVINGS TO THE GENERAL FUND REALIZED FROM THE REPEAL OF THE TAX CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH BENEFITS AND FROM OTHER SOURCES, is adopted and engrossed.

Upon motion of Senator Soles, the Senate Committee Substitute bill is referred to the **Finance Committee**.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 767 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL LAW ENFORCEMENT OFFICERS AND ALL FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES PERSONNEL THROUGHOUT THE STATE TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES; TO ALLOW CERTAIN MUNICIPAL AND COUNTY EMPLOYEES CURRENTLY AUTHORIZED TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES TO CONTINUE; TO REPEAL LOCAL ACTS ON THE SUBJECT; AND TO MANDATE THAT ATV SAFETY COURSES BE APPROVED BY THE COMMISSIONER OF INSURANCE, 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 70597, is adopted and engrossed.

H.B. 1659 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL HISTORY RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE

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DEPARTMENT OF PUBLIC INSTRUCTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70595, is adopted and engrossed.

H.B. 1372 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE REVISED UNIFORM ANATOMICAL GIFT ACT; TO PROVIDE THAT THE DECISION TO HAVE THE HEART SYMBOL ON ONE'S DRIVERS LICENSE IS LEGALLY SUFFICIENT CONSENT TO ORGAN DONATION UNLESS REVOKED BY THE DONOR; TO IMPROVE DONOR OR PROSPECTIVE DONOR ONLINE ACCESS TO INDICATE OR REVOKE ORGAN AND TISSUE DONATION; AND TO MAKE CONFORMING CHANGES TO OTHER AFFECTED GENERAL STATUTES, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 80475, is adopted and engrossed.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

CALENDAR *(continued)*

S.J.R. 1558, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF GOLDSTON ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

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.

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.

Upon motion of Senator Atwater the Chair extends the courtesies of the gallery to The Honorable Tim Cunnup, Mayor of the Town of Goldston; Barry Gaines, Commissioner; Danny Scott, Commissioner; Annie Kay King-Gaines, Clerk; and Gene and Linda Harris, Chairpersons of the Goldston Centennial Committee.

S.B. 19 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE DESCRIPTION OF THE BOUNDARY BETWEEN THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE EDGEcombe COUNTY PUBLIC SCHOOL SYSTEM, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock,

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Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

S.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CLAYTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE AND TO ALLOW THE TOWN OF CLAYTON TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE TOWN'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE TOWN'S SATELLITE CORPORATE LIMITS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 555 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE GREATER FLEXIBILITY IN THE PAYMENT OF SPECIAL ASSESSMENTS AND THE COLLECTION OF DELINQUENT SPECIAL ASSESSMENT PAYMENTS, AND TO ALLOW THE CITY OF ROANOKE RAPIDS TO ASSESS BENEFITED PROPERTIES FOR MAINTENANCE OF PARKING LOTS.

Upon motion of Senator Rand, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 78 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BURKE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon second reading.

Senator Jacumin offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 43, noes 4, as follows:

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Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.

The Committee Substitute bill, as amended, remains on the Calendar for Tuesday, July 24, upon third reading.

S.B. 473 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING ON PRIVATE PROPERTY WITHOUT WRITTEN PERMISSION FROM THE LANDOWNER OR LESSEE AND TO PROHIBIT HUNTING ON PRIVATE PROPERTY WHILE UNDER THE INFLUENCE OF AN IMPAIRING SUBSTANCE, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill No. 2 (47-0) and the bill is ordered enrolled.

H.B. 649, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' REGISTRATION BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE LAWS PERTAINING TO LANDSCAPE CONTRACTORS, as amended on second reading, upon third reading.

The bill, as amended, passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 705, A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO ENTER INTO LEASE PURCHASE OR INSTALLMENT PURCHASE CONTRACTS FOR FOOD SERVICE EQUIPMENT, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston,

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Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor.

H.B. 555 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE GREATER FLEXIBILITY IN THE PAYMENT OF SPECIAL ASSESSMENTS AND THE COLLECTION OF DELINQUENT SPECIAL ASSESSMENT PAYMENTS, AND TO ALLOW THE CITY OF ROANOKE RAPIDS TO ASSESS BENEFITED PROPERTIES FOR MAINTENANCE OF PARKING LOTS, temporarily displaced earlier today upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1321 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A WEIGHT AND SIZE EXCEPTION TO STATE AND LOCAL FIREFIGHTING AGENCIES TRANSPORTING OVERWEIGHT AND OVERSIZED VEHICLES BEING USED TO COMBAT FOREST FIRES, WILDFIRES, AND OTHER EMERGENCIES OR DISASTERS, TO AUTHORIZE THE ISSUANCE OF AN ANNUAL OR SINGLE TRIP PERMIT FOR OVERSIZE AND OVERWEIGHT COMMERCIAL VEHICLES USED IN EMERGENCY RESPONSE, AND TO AUTHORIZE THE ISSUANCE OF A SINGLE TRIP PERMIT FOR OVERSIZE OR OVERWEIGHT VEHICLES OR VEHICLE COMBINATIONS RESPONDING TO AN EMERGENCY EVENT, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

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The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1488 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE PSYCHOLOGY PRACTICE ACT TO CLARIFY REQUIREMENTS FOR PERMANENT LICENSURE, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence.

S.B. 1241 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon 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, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Tuesday, July 24, upon third reading.

H.B. 1755 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND IMPROVE THE ADMINISTRATION OF THE STATE'S 911 SYSTEM THROUGH A STATEWIDE 911 BOARD, BY ENSURING THAT ALL VOICE SERVICES CONTRIBUTE TO THE 911 SYSTEM AND BY PROVIDING PARITY IN THE QUALITY OF SERVICE AND THE LEVEL OF 911 CHARGES ACROSS VOICE COMMUNICATIONS SERVICE PROVIDERS, upon second reading.

The Senate Committee Substitute bill passes its second 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, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Tuesday, July 24, upon third reading.

S.B. 150 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEPARTMENT OF TRANSPORTATION OUTDOOR ADVERTISING SELECTIVE VEGETATION REMOVAL POLICY.

Senator Jenkins offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill No. 2, as amended, passes its second (35-12) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 854 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE PRIVATE PROTECTIVE SERVICES ACT AND AMENDING THE FIREARMS LAWS AFFECTING ARMED SECURITY GUARDS.

The Committee Substitute bill No. 2 passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.J.R. 1483, A JOINT RESOLUTION OBSERVING THE ONE HUNDREDTH ANNIVERSARY OF THE HISTORIC MITCHELL COUNTY COURTHOUSE.

The joint resolution passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO PROVIDE HOMEBOUND INSTRUCTION FOR DISCIPLINE PURPOSES WHEN IT IS THE LEAST RESTRICTIVE ALTERNATIVE FOR STUDENTS WITH DISABILITIES AND TO REQUIRE A REGULAR EVALUATION OF THE APPROPRIATENESS OF THE HOMEBOUND INSTRUCTION.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

The Chair grants a leave of absence for the remainder of tonight's session to Senator Jenkins.

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H.B. 20 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO ESTABLISH STANDARDS FOR HOMEBOUND INSTRUCTION.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 488 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO PROVIDE FOR AN ADMINISTRATIVE INITIAL SCREENING OF REASSIGNMENT APPEALS.

Senator Nesbitt offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 514 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PASSENGER BUSES THAT HAVE AN OVERALL LENGTH OF FORTY-FIVE FEET TO OPERATE ON PUBLIC STREETS AND HIGHWAYS.

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.

H.B. 1471 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ALLOW AN EXISTING CHARTER SCHOOL TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Senator Preston offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second (45-1) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 1707, A BILL TO BE ENTITLED AN ACT TO ALLOW DETENTION OFFICERS EMPLOYED BY THE SHERIFF TO CARRY FIREARMS AT THE COUNTY COURTHOUSE.

The bill passes its second (44-2) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1739 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STUDENTS PLACED ON SHORT-TERM SUSPENSIONS TO TAKE THEIR TEXTBOOKS HOME FOR THE DURATION OF THE SHORT-TERM SUSPENSION AND TO HAVE ACCESS TO HOMEWORK

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ASSIGNMENTS AND TO ENSURE THAT PARENTS RECEIVE ACTUAL NOTICE OF A STUDENT'S EXPULSION OR SUSPENSION FROM SCHOOL.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 720 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN OPEN ENROLLMENT PERIOD IN THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE LEGISLATIVE RETIREMENT SYSTEM, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Atwater, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 922 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION AND TO CHANGE THE TIME WHEN THE MEMBERS OF THE HYDE COUNTY BOARD OF EDUCATION TAKE OFFICE.

Pursuant to the message from the House of Representatives received Thursday, July 19, that the House fails to concur in the Senate Committee Substitute bill for H.B. 922 and requests conferees, Senator Dannelly, Deputy 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.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Lauren Allen, Raleigh; C. Jadon Bass, Raleigh; Phillip Bouche, Cary; Chelsey Carelas, Cary; Ashlyn Congdon, High Point; Nash Dunn, Asheboro; Rachel Gallimore, Asheboro; Krissy Garmon, Gastonia; Caison Gaskins, Cary; Caroline Harrison, Fayetteville; Morgan Jones, Angier; David Kaminski, Stanley; Alex Moehring, Cary; Jenna Moehring, Cary; Kyle Montgomery, Winston-Salem; Holly Norris, Wilmington; Brittney Palmer, King; Elise Seay, Greensboro; Sarah Shanks, Graham; Cora Shull, Greensboro; Renee Shull, Greensboro; Hunter Story, Littleton; Larkin Taylor-Parker, Durham; and Branna Williams, North Wilkesboro.

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Upon motion of Senator Dannelly, seconded by Senator Dalton, the Senate adjourns in memory of LeRoy Clark, former Senate Reading Clerk, subject to receipt of messages from the House of Representatives and reading of executive orders, to meet Tuesday, July 24, at 3:00 P.M.

EXECUTIVE ORDERS

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows:

Executive Order Number 120, Accelerating Teacher and Other Personnel Recruitment and the Implementation of Needed Academic Support Programs and the Implementation of Needed Academic Support Programs for At-Risk Children in Light of Judicial Mandates, Budget Developments, and Impending School Openings.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 23, 2007

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. 1294** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES, and requests conferees.

Speaker Hackney has appointed:

Representative Howard, Chair
Representative Holliman, and
Representative England

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 23, 2007

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 448 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF AGING AND ADULT SERVICES, TO STUDY PROGRAM AND SERVICE LEVELS AND NEEDS FOR OLDER ADULTS IN BRUNSWICK, BUNCOMBE, GASTON, HENDERSON, MOORE, AND NEW HANOVER COUNTIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 24, for concurrence.

H.B. 777 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT PAYABLE ON BEHALF OF RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 1304 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE USE OF REMAINING END-OF-YEAR TUITION ASSISTANCE PROGRAM FUNDS FOR REPAYMENT OF OUTSTANDING ELIGIBLE STUDENT LOANS FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 1687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LEGISLATORS WITH THE SAME MILEAGE RATES AS STATE EMPLOYEES AND TO ESTABLISH BOTH STATE EMPLOYEE AND LEGISLATIVE RATES AT THE FEDERAL EMPLOYEE RATE FOR TRAVEL.

Referred to the **Appropriations/Base Budget Committee**.

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H.B. 1738, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ADVISORY COMMISSION ON HOSPITAL INFECTION CONTROL AND DISCLOSURE.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1787 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INFORMATION AND FORMS FOR AN EXPUNCTION OF A PERSON'S RECORD WHEN THE COURT DISMISSES CHARGES AGAINST THE PERSON OR ENTERS A FINDING OF NOT GUILTY TO BE AVAILABLE ON THE INTERNET AND THAT INTERNET ADDRESS POSTED IN THE CLERK'S OFFICE.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 8:38 P.M.

ONE HUNDRED THIRD DAY

Senate Chamber
Tuesday, July 24, 2007

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, First Baptist Church, Raleigh, North Carolina as follows:

"Dear God, we come to you in the midst of summer heat. The sunshine and humidity outside are contrasted only by the pleasant cool of conditioned air inside. But God, we also know that discussion, debate and decision-making can likewise become heated within these walls this time of year. As we move through our daily lives doing the work you give us to do, help us to be intentional with our words, emotions and actions. Help us to be deliberate as we interact with others so that whether we are legislators, administrators or ministers, we might reflect your glory. Amen."

The Chair grants leaves of absence for today to Senator Dannelly and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, July 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The Chair extends privileges of the floor to Dr. Franklyn M. Millman from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 810, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TRAINING AND QUALIFICATION REQUIREMENTS APPLICABLE TO ANIMAL WASTE MANAGEMENT TECHNICAL SPECIALISTS IN THE PROVISION OF SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT 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 50752, which changes the title upon concurrence to read **H.B. 810** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE TRAINING AND QUALIFICATION REQUIREMENTS APPLICABLE TO ANIMAL WASTE MANAGEMENT TECHNICAL SPECIALISTS IN THE PROVISION OF SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION; (2) EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS; AND (3) CLARIFY THE APPLICABILITY OF THE WATER QUALITY ENFORCEMENT PROVISIONS IN ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES, is adopted and engrossed.

By Senator Graham for the **State & Local Government Committee**:

H.B. 1060 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OF THE STATE, with a favorable report.

H.B. 1649, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF VOTING MEMBERS ON THE GOVERNOR'S CRIME COMMISSION FROM THIRTY-SIX TO THIRTY-EIGHT, with a favorable report.

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H.B. 1176 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE STATE RIGHT-OF-WAY IN TYRRELL COUNTY, 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, 30519, is adopted and engrossed.

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Allran, the remarks of Senator Weinstein who rises to a point of personal privilege, are spread upon the Journal, as follows:

Senator Weinstein:

“Ladies and Gentlemen of the Senate, we’re coming close to closing down the Senate, hopefully, and at this time I’d like to share some things with you that I think you will enjoy. As you know, I have collected stamps for over fifty-seven years and they tell the history of a Country through stamps and so I wanted to share with you and give to you some things that I’ve gotten from my collection. First of all, I’d like to start out with my Republican friends. In 1948-1950, there was a Republican, a true Republican. Senator Blake you would probably know this man. He had the moniker of ‘Mr. Republican’ and in 1960 the U. S. Post Office honored Robert A. Taft and he was known as ‘Mr. Republican.’ I have here that I’m going to give to the Minority Leader a plate block of Robert A. Taft, ‘Mr. Republican’, issued October 10, 1960. Mr. Minority Leader, I’d like to present this to you and you can give them to your members. Unfortunately, it will not mail one letter. To my Democratic friends, in 1945-1946, our leader, the Ex-President Franklin D. Roosevelt, was honored with a series of stamps and I would like to present each of the members a copy of these stamps. I’ll give these to our Majority Leader who can pass them out to you. It’s a one-cent, two-cent, three-cent and five-cent plate block originals honoring Franklin D. Roosevelt. With all these stamps today you can mail one envelope. To Senator Rand, I’ve got it here where you can give these to the members. To Ted Harrison, our Reading Clerk, I couldn’t find anything with TV but I found something with two presidents, bi-partisan, like you have to be, who were good speakers and added a lot to our Country which were issued in 1969, Dwight D. Eisenhower, an eight-cent stamp, and issued in 1973, Harry Truman, so I would like to present this to you if you would come down and get this. I’d also like to give these to our Sergeant-at-Arms, Cecil Goins. In 1968, there was a stamp issued honoring Chief Joseph and in honor of your Indian heritage, Chief Joseph reminds me a lot of you. He was quiet, he carried a big stick, but he was very, very well respected and this is a sheet of Chief Joseph that I want you to have. This is a stamp honoring the American woman. When I was growing up, a woman could be a secretary or a teacher or a housewife and

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that was about all that was open. There has been tremendous progress in women and their accomplishments and this stamp was issued in 1960. I'd like to give this to our Senate Clerk, Janet Pruitt, who exemplifies the modern American woman and her accomplishments. I have a stamp here that was issued in 1948 and the title of it is 'The Progress of American Women.' I know there is one lady here, I don't see her now, but I think if anything exemplifies a woman standing up for what she believes and the progress, it is Senator Ellie Kinnaird and I would like her to have this if she would take it. I have two other things. I've worked hard on this. This stamp was issued in 1936. It is seventy-one years old. It was issued in Manteo, North Carolina and it is the Virginia Dare stamp. I want to give this to Senator Basnight to replace the one that was in his restaurant. And, Marc, I also have issued in 1949 the Wright Brothers stamp that was in his restaurant and I'd like to give you this as a replacement to put in your new restaurant. Last but not least, in 1989 there was a stamp issued honoring the State of North Carolina and I'd like to give this to Lieutenant Governor Beverly Perdue, the President of the Senate, so Lieutenant Governor if you would come down I'd like to give you this stamp of North Carolina which I know you love so very much. He is not here, but I've not forgotten Reverend Morris so I'll give him his next week. Thank you for indulging in my little thing. I appreciate it."

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 576, AN ACT TO AMEND THE LAWS GOVERNING BUSINESS ENTITIES TO MAKE VARIOUS CLARIFYING AND TECHNICAL CHANGES REGARDING MERGERS AND THE AUTHORITY OF BOARD COMMITTEES.

S.B. 720, AN ACT TO PROVIDE FOR AN OPEN ENROLLMENT PERIOD IN THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE LEGISLATIVE RETIREMENT SYSTEM.

H.B. 14, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO PROVIDE HOMEBOUND INSTRUCTION FOR DISCIPLINE PURPOSES WHEN IT IS THE LEAST RESTRICTIVE ALTERNATIVE FOR STUDENTS WITH DISABILITIES AND TO REQUIRE A REGULAR EVALUATION OF THE APPROPRIATENESS OF THE HOMEBOUND INSTRUCTION.

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H.B. 20, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO ESTABLISH STANDARDS FOR HOMEBOUND INSTRUCTION.

H.B. 118, AN ACT TO PROVIDE THAT A PERSON CHARGED WITH A SEX OFFENSE WHO IS ORDERED TO BE TESTED FOR A SEXUALLY TRANSMITTED INFECTION MUST BE TESTED WITHIN FORTY-EIGHT HOURS OF THE COURT ORDER AND TO PROVIDE THAT HIV TESTING UNDER THESE PROVISIONS WILL USE THE HIV-RNA DETECTION TEST FOR DETERMINING HIV INFECTION.

H.B. 705, AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO ENTER INTO LEASE PURCHASE OR INSTALLMENT PURCHASE CONTRACTS FOR FOOD SERVICE EQUIPMENT.

H.B. 892, AN ACT TO UPDATE THE LICENSURE ACT FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS.

H.B. 1500, AN ACT TO PROVIDE THE DEFENDANT ACCESS TO DNA TESTING OF EVIDENCE WHEN CURRENT TESTING PROCEDURES ARE MORE ACCURATE THAN PAST TESTING PROCEDURES, TO AMEND THE LAW GOVERNING THE PRESERVATION AND DISPOSITION OF POSSIBLE DNA EVIDENCE AND POSTCONVICTION DNA TESTING, AND TO PROVIDE A RIGHT OF APPEAL TO A DEFENDANT FOR DENIAL OF A MOTION TO CONDUCT DNA TESTING.

H.B. 1598, AN ACT TO EXTEND THE SUNSET ON THE TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS AND TO EXTEND THE TIME FOR FILING AN APPLICATION TO OCTOBER 15.

H.B. 1625, AN ACT TO ENACT THE EYEWITNESS IDENTIFICATION REFORM ACT.

H.B. 1626, AN ACT TO PROVIDE THAT A CUSTODIAL INTERROGATION IN A HOMICIDE CASE MUST BE ELECTRONICALLY RECORDED IN ITS ENTIRETY.

H.B. 1707, AN ACT TO ALLOW DETENTION OFFICERS EMPLOYED BY THE SHERIFF TO CARRY FIREARMS AT THE COUNTY COURTHOUSE.

H.B. 1739, AN ACT TO ALLOW STUDENTS PLACED ON SHORT-TERM SUSPENSIONS TO TAKE THEIR TEXTBOOKS HOME FOR THE

DURATION OF THE SHORT-TERM SUSPENSION AND TO HAVE ACCESS TO HOMEWORK ASSIGNMENTS AND TO ENSURE THAT PARENTS RECEIVE ACTUAL NOTICE OF A STUDENT'S EXPULSION OR SUSPENSION FROM SCHOOL.

The Enrolling Clerk reports the following bill and joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 473, AN ACT TO PROHIBIT HUNTING AND FISHING ON PRIVATE PROPERTY WITHOUT WRITTEN PERMISSION FROM THE LANDOWNER OR LESSEE AND TO PROHIBIT HUNTING ON PRIVATE PROPERTY WHILE UNDER THE INFLUENCE OF AN IMPAIRING SUBSTANCE.

S.J.R. 1483, A JOINT RESOLUTION OBSERVING THE ONE HUNDREDTH ANNIVERSARY OF THE HISTORIC MITCHELL COUNTY COURTHOUSE. (Res. 58)

S.J.R. 1558, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF GOLDSTON ON THE TOWN'S ONE HUNDREDTH ANNIVERSARY. (Res. 59)

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. 227, AN ACT TO AUTHORIZE THE COUNTY OF NEW HANOVER AND THE CITY OF WILMINGTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S PUBLIC NUISANCE ORDINANCE. (Became law upon ratification, July 23, 2007 - S.L. 2007-254.)

S.B. 221, AN ACT CONCERNING INVESTMENTS OF THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH, AND THE COUNTIES OF GUILFORD, MECKLENBURG, AND WAKE. (Became law upon ratification, July 23, 2007 - S.L. 2007-255.)

S.B. 432, AN ACT REMOVING CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE CITY OF GREENSBORO. (Became law upon ratification, July 23, 2007 - S.L. 2007-256.)

S.B. 649, AN ACT TO REPEAL EXEMPTIONS FROM A LOCAL ACT LIMITING HEIGHT OF BUILDINGS IN THE CITY OF

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HENDERSONVILLE AND TO NARROW ITS APPLICABILITY TO A DEFINED AREA WITHIN THAT CITY. (Became law upon ratification, July 23, 2007 - S.L. 2007-257.)

S.B. 652, AN ACT AUTHORIZING THE CITIES OF EDEN, REIDSVILLE, AND ROCKINGHAM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITIES' OVERGROWN VEGETATION ORDINANCES AND ALLOWING THE CITY OF EDEN TO AMEND BY ORDINANCE A PROVISION OF ITS CHARTER. (Became law upon ratification, July 23, 2007 - S.L. 2007-258.)

H.B. 254, AN ACT TO ALLOW THE CITY OF CONOVER TO ADOPT ORDINANCES REGULATING GOLF CARTS AND UTILITY VEHICLES. (Became law upon ratification, July 23, 2007 - S.L. 2007-259.)

S.B. 1359, AN ACT TO ALLOW THE OPERATOR OF A MOTORCYCLE TO PROCEED THROUGH AN INTERSECTION CONTROLLED BY A TRAFFIC SIGNAL ONLY IF THE TRAFFIC SIGNAL USES AN INDUCTIVE LOOP VEHICLE SENSOR THAT ACTIVATES THE TRAFFIC SIGNAL AND THE INDUCTIVE LOOP FAILS TO DETECT THE MOTORCYCLE AND ACTIVATE THE TRAFFIC SIGNAL. (Became law upon approval of the Governor, July 23, 2007 - S.L. 2007-260.)

H.B. 183, AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE OR ADDITIONAL TECHNOLOGY WHILE OPERATING A PUBLIC OR PRIVATE SCHOOL BUS, WHILE OPERATING A SCHOOL ACTIVITY BUS, OR WHILE TRANSPORTING STUDENTS FOR HIRE IN ANY VEHICLE. (Became law upon approval of the Governor, July 23, 2007 - S.L. 2007-261.)

H.B. 445, AN ACT TO AUTHORIZE CHILD PLACEMENT AGENCIES TO ACT AS CONFIDENTIAL INTERMEDIARIES BETWEEN ADULT ADOPTEES, AN ADULT LINEAL DESCENDANT OF A DECEASED ADOPTEE, AND A BIOLOGICAL PARENT. (Became law upon approval of the Governor, July 23, 2007 - S.L. 2007-262.)

H.B. 27, AN ACT TO PROVIDE THAT A FILM AND PHOTOGRAPHIC PRINT PROCESSOR OR A COMPUTER TECHNICIAN WHO, IN THE PERSON'S SCOPE OF EMPLOYMENT, OBSERVES AN IMAGE OF A MINOR OR A PERSON WHO REASONABLY APPEARS TO BE A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE PERSON REQUESTING THE PROCESSING OF THE FILM OR PHOTOGRAPHS OR IN POSSESSION OF THE COMPUTER TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN OR TO THE APPROPRIATE LOCAL LAW ENFORCEMENT OFFICER. (Became law upon approval of the Governor, July 23, 2007 - S.L. 2007-263.)

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PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable John T. Henley, former Senator and former Senate President *Pro Tempore*, from Cumberland County.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 1650, A BILL TO BE ENTITLED AN ACT TO INCREASE MEMBERSHIP ON THE ACUPUNCTURE LICENSING BOARD FROM SIX TO NINE, with a favorable report.

H.B. 1702 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSERVE ENERGY AND TO REQUIRE A STUDY OF THE DEGREE OF INSULATION FOR HOT WATERLINES THAT SHOULD BE REQUIRED, with a favorable report.

WITHDRAWAL FROM COMMITTEE

S.B. 1250, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ONLINE DEALER PROCESS FOR THE REGISTRATION AND TITLING OF MOTOR VEHICLES, TO ESTABLISH FEES FOR SERVICES PROVIDED BY THE THIRD-PARTY ELECTRONIC SYSTEM REGISTRATION AND TITLING SERVICE PROVIDERS, AND TO PROVIDE FOR FEES TO THE STATE AND COMMISSION CONTRACT OFFICES THAT PROVIDE QUALITY ASSURANCE CHECKS FOR DEALERS THAT HAVE A CONTRACT AND WHO USE THE THIRD-PARTY ELECTRONIC SYSTEM REGISTRATION AND TITLING SERVICE PROVIDER, referred to the **Transportation Committee** on March 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Transportation Committee** and re-referred to the **Commerce, Small Business and Entrepreneurship Committee** and if favorable, re-referred to the **Finance Committee** which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Transportation Committee** and re-refers the measure to the **Commerce, Small Business and Entrepreneurship Committee** and if favorable, re-referred to the **Finance Committee**.

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S.B. 90, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADOPTIVE PARENT AND A BIRTH RELATIVE TO ENTER INTO A WRITTEN AGREEMENT TO PROVIDE FOR POST-ADOPTION CONTACT AND COMMUNICATION AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH AND TO MAKE OTHER CONFORMING STATUTORY CHANGES, referred to the **Judiciary I Committee** on February 12.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Mental Health & Youth Services Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Mental Health & Youth Services Committee**.

H.B. 1372 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE REVISED UNIFORM ANATOMICAL GIFT ACT; TO PROVIDE THAT THE DECISION TO HAVE THE HEART SYMBOL ON ONE'S DRIVERS LICENSE IS LEGALLY SUFFICIENT CONSENT TO ORGAN DONATION UNLESS REVOKED BY THE DONOR; TO IMPROVE DONOR OR PROSPECTIVE DONOR ONLINE ACCESS TO INDICATE OR REVOKE ORGAN AND TISSUE DONATION; AND TO MAKE CONFORMING CHANGES TO OTHER AFFECTED GENERAL STATUTES, referred to the **Finance Committee** on July 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill No. 2 be withdrawn from the **Finance Committee** and placed on the Calendar for Wednesday, July 25, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill No. 2 withdrawn from the **Finance Committee** and places it on the Calendar for Wednesday, July 25.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1659 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL HISTORY RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF PUBLIC INSTRUCTION, upon second reading.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

BILLS ORDERED SENT TO THE GOVERNOR

With unanimous consent, upon motion of Senator Rand, all bills ordered sent to the Governor on Tuesday, July 24, through the end of the 2007 Regular Session will be sent by special message.

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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 23, 2007

Madame President:

Pursuant to your message requesting the return of **S.B. 1226** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED NURSES TO RETURN TO EMPLOYMENT WITH LOCAL HEALTH DEPARTMENTS IN CLEVELAND COUNTY WITHOUT LOSING RETIREMENT BENEFITS, the House respectfully herewith complies.

S/Respectfully,
Denise G. Weeks
Principal Clerk

RECONSIDERATION

S.B. 1226 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED NURSES TO RETURN TO EMPLOYMENT WITH LOCAL HEALTH DEPARTMENTS IN CLEVELAND COUNTY WITHOUT LOSING RETIREMENT BENEFITS.

Upon motion of Senator Rand, S.B. 1226 returned from the House of Representatives by request from the Senate is placed before the Senate for immediate consideration. Having voted with the majority, Senator Rand offers a motion that the vote by which the committee substitute bill passed its third reading on July 19 be reconsidered which motion prevails. Having voted with the majority, Senator Rand offers a motion that the vote by which the committee substitute bill passed its second reading on July 19 be reconsidered which motion prevails. The question before the Body is the passage of the committee substitute bill on its second reading. Upon motion of Senator Rand, the committee substitute bill is withdrawn from the Calendar and is re-referred to the **Appropriations/Base Budget Committee** and, upon his further motion, the committee Substitute bill is withdrawn from the **Appropriations/Base Budget Committee** and is re-referred to the **Pensions & Retirement and Aging Committee**.

CALENDAR *(continued)*

H.B. 454 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING THE TAKING OF A PHOTOGRAPH OF A PERSON WHO

July 24, 2007

IS CITED FOR A MOTOR VEHICLE MOVING VIOLATION, WHO DOES NOT PRODUCE A VALID DRIVERS LICENSE UPON THE REQUEST OF A LAW ENFORCEMENT OFFICER, AND WHERE THE LAW ENFORCEMENT OFFICER HAS A REASONABLE SUSPICION REGARDING THE TRUE IDENTITY OF THE PERSON, AND TO PROVIDE A CAUSE OF ACTION FOR A PERSON WHOSE IDENTIFYING INFORMATION IS PUBLISHED OVER OBJECTION.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 25.

H.B. 78 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BURKE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 44, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

H.B. 1191 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF EASTOVER, upon third reading.

Senator Rand offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its third reading by a three-fifths majority roll-call vote as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

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S.B. 1241 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 1755 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND IMPROVE THE ADMINISTRATION OF THE STATE'S 911 SYSTEM THROUGH A STATEWIDE 911 BOARD, BY ENSURING THAT ALL VOICE SERVICES CONTRIBUTE TO THE 911 SYSTEM AND BY PROVIDING PARITY IN THE QUALITY OF SERVICE AND THE LEVEL OF 911 CHARGES ACROSS VOICE COMMUNICATIONS SERVICE PROVIDERS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman 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.

S.B. 668 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS.

Senator Cowell offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second (43-5) and third readings and is ordered engrossed and sent to the House of Representatives.

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H.B. 73 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE CAPITAL FACILITIES PROGRAM BY DIRECTING THE STATE BUILDING COMMISSION TO REVIEW THE PROGRAM AND IMPLEMENT MEASURES TO REDUCE DELAYS AND INCREASE ACCOUNTABILITY AMONG THE PARTIES TO THE DESIGN AND CONSTRUCTION PROCESS, BY INCREASING THE BIDDING AND DESIGNER SELECTION THRESHOLDS FOR STATE CONSTRUCTION CONTRACTS, AND BY DIRECTING THE STATE PERSONNEL OFFICE TO CONDUCT A MARKET STUDY OF ARCHITECT AND ENGINEERING POSITION CLASSIFICATIONS.

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.

CONFERENCE REPORT

Senator Dalton, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1479** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS, 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 1479, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS, House Committee Substitute Favorable 7/10/07, submit the following report:

The Senate and House agree to the following amendment and the Senate concurs in House Committee Substitute Favorable 7/10/07, as amended:

on page 1, line 17, delete the word "may" and substitute the word "shall".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 24, 2007.

Conferees for the Senate
S/Walter H. Dalton, Chair
S/Kay R. Hagan
S/Joe Sam Queen

Conferees for the House of Representatives
S/Maggie Jeffus, Chair
S/Marvin W. Lucas
S/Marian N. McLawhorn
S/Louis M. Pate, Jr.

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With unanimous consent, upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 1718 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CERTAIN CITIES TO ENACT FAIR HOUSING ORDINANCES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60393, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 349, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW ALLOWING THE STATE BOARD OF EDUCATION TO REMOVE LOCAL SCHOOL BOARD MEMBERS.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 767 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL LAW ENFORCEMENT OFFICERS AND ALL FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES PERSONNEL THROUGHOUT THE STATE TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES; TO ALLOW CERTAIN MUNICIPAL AND COUNTY EMPLOYEES CURRENTLY AUTHORIZED TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES TO CONTINUE; TO REPEAL LOCAL ACTS ON THE SUBJECT; AND TO MANDATE THAT ATV SAFETY COURSES BE APPROVED BY THE COMMISSIONER OF INSURANCE.

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.

H.B. 772 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN

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SERVICES TO SUSPEND ADMISSIONS OR SERVICES IN HOSPITALS AS PART OF TAKING ADVERSE ACTION AGAINST A HOSPITAL'S LICENSE; TO ALLOW FOR THE WAIVER OF HOSPITAL LICENSURE RULES DURING AN EMERGENCY; TO ALLOW CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF LICENSED MENTAL HEALTH FACILITIES BY PRIVATE ENTITIES; TO MAKE TECHNICAL CORRECTIONS IN THE HEALTH CARE PERSONNEL REGISTRY STATUTES; TO REQUIRE FINES TO BE PAID PRIOR TO TRANSFER OF OWNERSHIP OF ADULT CARE HOMES; TO CHANGE TIME FRAMES OF INVESTIGATIONS OF ADULT CARE HOMES; AND TO REQUIRE THE CODIFIER OF RULES TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE HEALTH SERVICES COMMISSION.

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.

CONFERENCE REPORT

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 922** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION AND TO CHANGE THE TIME WHEN THE MEMBERS OF THE HYDE COUNTY BOARD OF EDUCATION TAKE OFFICE, 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 922, A BILL TO BE ENTITLED AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION AND TO CHANGE THE TIME WHEN THE MEMBERS OF THE HYDE COUNTY BOARD OF EDUCATION TAKE OFFICE, Senate State and Local Committee Substitute Adopted 5/16/07 Corrected Copy 5/17/07 Fifth Edition Engrossed 5/17/07, submit the following report:

The House concurs in the Senate Committee Substitute with an amendment and the Senate agrees to the same: On page 2, line 4 delete "June" and substitute "July".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 24, 2007.

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*Conferees for the Senate**Conferees for the House of Representatives*

S/Clark Jenkins, Chair

S/Timothy L. Spear, Chair

S/Annie W. Mobley

The Conference Report is placed on the Calendar for Wednesday, July 25, for adoption.

CALENDAR *(continued)*

H.B. 773 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT MEMBERS OF THE UNITED STATES ARMED FORCES FROM DISHONEST AND PREDATORY LIFE INSURANCE AND ANNUITY SALES PRACTICES.

Senator Rand offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 976 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF PUBLIC VEHICULAR AREA IN MOTOR VEHICLE LAW AND TO REQUIRE ACCESS TO GATED COMMUNITIES FOR EMERGENCY SERVICE VEHICLES.

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.

H.B. 1529 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES' HEALTH BENEFITS.

The Senate Committee Substitute bill passes its second reading (48-0).

Senator Kerr objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, July 25, upon third reading.

S.B. 103 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR SPECIAL PLATE AND TO ELIMINATE THE FEE FOR THE GOLD STAR SPECIAL PLATE; TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS; TO ELIMINATE THE ADDITIONAL FEE AMOUNT FOR THE BREAST CANCER

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AWARENESS PLATE; TO INCREASE THE ADDITIONAL FEE FOR THE NC COASTAL FEDERATION PLATE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: PROSTATE CANCER AWARENESS, JUVENILE DIABETES RESEARCH, BREAST CANCER EARLIER DETECTION, BRAIN INJURY AWARENESS, NC TENNIS FOUNDATION, ALS RESEARCH, NATIONAL KIDNEY FOUNDATION, AIDS AWARENESS, HOME CARE AND HOSPICE, AND HOSPICE CARE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ASSIGN A SPECIAL REGISTRATION PLATE FOR THE PRESIDENT OF THE NORTH CAROLINA COMMUNITY COLLEGES SYSTEM; AND TO MAKE TECHNICAL CORRECTIONS IN THE STATUTE CONCERNING ASSIGNMENTS OF SPECIAL REGISTRATION PLATES TO STATE GOVERNMENT OFFICIALS, for concurrence in the House Committee Substitute bill No. 3, upon second reading.

Upon motion of Senator Goodall, the Senate fails to concur in the House Committee Substitute bill No. 3 on its second reading, by roll-call vote, ayes 0, noes 48, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Senator Goodall 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. 448 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF AGING AND ADULT SERVICES, TO STUDY PROGRAM AND SERVICE LEVELS AND NEEDS FOR OLDER ADULTS IN BRUNSWICK, BUNCOMBE, GASTON, HENDERSON, MOORE, AND NEW HANOVER COUNTIES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor by special message.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 103 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED

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APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR SPECIAL PLATE AND TO ELIMINATE THE FEE FOR THE GOLD STAR SPECIAL PLATE; TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS; TO ELIMINATE THE ADDITIONAL FEE AMOUNT FOR THE BREAST CANCER AWARENESS PLATE; TO INCREASE THE ADDITIONAL FEE FOR THE NC COASTAL FEDERATION PLATE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: PROSTATE CANCER AWARENESS, JUVENILE DIABETES RESEARCH, BREAST CANCER EARLIER DETECTION, BRAIN INJURY AWARENESS, NC TENNIS FOUNDATION, ALS RESEARCH, NATIONAL KIDNEY FOUNDATION, AIDS AWARENESS, HOME CARE AND HOSPICE, AND HOSPICE CARE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ASSIGN A SPECIAL REGISTRATION PLATE FOR THE PRESIDENT OF THE NORTH CAROLINA COMMUNITY COLLEGES SYSTEM; AND TO MAKE TECHNICAL CORRECTIONS IN THE STATUTE CONCERNING ASSIGNMENTS OF SPECIAL REGISTRATION PLATES TO STATE GOVERNMENT OFFICIALS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 3 for S.B. 103 earlier today and the motion by Senator Goodall to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Atwater, Chair; Senator Clodfelter; Senator Goodall; and Senator Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR *(continued)*

S.B. 1479 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS, placed earlier on today's Calendar, for adoption.

Upon motion of Senator Dalton, the Senate adopts the Conference Report (48-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

The Chair grants a leave of absence for the remainder of today's session to Senator Preston.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2065 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. JAMES PRESTON GREEN, SR., A PHYSICIAN AND FORMER MEMBER OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

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 Atwater, the remarks of the members are spread upon the Journal, as follows:

Senator Berger of Franklin:

“Last year our community suffered two major losses from the same family. We had Dr. James Preston Green, Sr., who served in the House during the 1990’s and his son, James Preston Green, Jr., who both passed away in the same year. This family was a wonderful family to our community and to our State. Some of you served in the House with Dr. Green. He was a strong advocate for the rights of the poor when it came to issues involving health care. In fact, in the House he was known as the ‘Doctor in the House.’ My first contact with him came about in the mid 1990’s when there was an effort by the Workers Compensation Insurance companies that wanted to be able to communicate to an injured worker’s doctor ex parte and he led the fight to maintain the privacy of injured workers. He was a champion on a whole range of health care issues both in the legislature and within our community. The first time I actually recollect meeting him face-to-face was years after he had left the House of Representatives and it was at an NAACP meeting when I was running my first time for public office. He was a gentleman who had gotten up years in age and yet he was still fighting the good fight, making sure that folks who were running for public office were committed to issues of concern for the weakest among us and it was very sad for our community to lose him. Then five or six months later we suffered a second loss, his son, who served in our community as an attorney and he was a chip off the old block and, like his father, was a strong advocate for the poor. In fact, I had the opportunity to work with him on a number of issues in the community and one of the last things he was working on when he unexpectedly passed away was the election of the first African-American sheriff in our community of Vance County. Their lives and hard work inspired folks and folks wanted to make a tribute to both of them by working very hard to win that election and we were successful in doing that. We have family members here and I request that they be recognized.”

Senator Rand:

“It was my privilege to know Dr. Green for a number of years. He was a very distinguished gentleman and a wonderful fellow who was always involved

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in medical affairs and affairs of the community and things involving our State. He had a very forceful personality and was a great spokesman for the issues that affected his area and the people of North Carolina. His service in the House, of course, was remembered fondly by everyone who had any contact with him. He was a great North Carolinian and really did a lot for North Carolina. I would ask your support for the resolution.”

Senator McKissick:

“I had known Dr. Green since I was probably about sixteen or seventeen years old and knew his family extraordinarily well. I see his wife, Carolyn, here today and she is certainly one of those persons I kind of thought of as being a second mother. His brother, Ike, and his sister, Caroline, are here also. Mrs. Green’s father was Dr. Shepherd who was a founder of North Carolina Central University. Dr. Green did not hesitate to be passionate about the needs of the less fortunate and to make certain that he was an advocate to see that their health care needs were provided for. Back in the early 1970’s over in Warren County, there was a project my father was working on known as Soul City. Dr. Green worked closely with my father on that project. There was a time when we went out and did surveys and I went out and took those surveys to establish that there was a deficiency in the needs of people in that area when it came to health care. There were people who did not see a doctor for prenatal care before delivery of their children and people who did not go to dentists to obtain services until there was a cavity in their mouths and their teeth were ready to be extracted. We did those surveys, we documented that need and Dr. Green worked passionately to help address that need. There were mobile homes that were first put there, doublewides, two of them, which Dr. Green helped personally to get financed. We doubled the number of doctors that were in that area to provide health care needs for the less fortunate, those who could not afford to go to a doctor, those who could not afford to pay the prevailing costs, who paid based upon their need. We doubled the number of dentists in that area and when it came time to build a permanent building to house those facilities and to expand those facilities and when Senator Helms attached an amendment to a bill to stop those appropriations, Dr. Green, my father, and I went to Washington and we met with those who were conferees in the Senate and House committees that were dealing with those appropriations. We worked diligently with Senator Morgan, Congressman Valentine, in that era, Claiborne Pell from Rhode Island, and Heinz from Pennsylvania, and we reversed it so that health clinic got built. When it came time when they didn’t want them to disperse controlled substances, prescriptions, and they were trying to stop it, we worked together collectively to make sure that those individuals that needed prescriptions to be dispersed were able to obtain them through a pharmacy that was being created and that people who could not afford to pay what Eckerds would charge could get those prescriptions based upon their needs. Dr. Green was an integral part of that. When it came time to build a regional water system, and to this day that remains the largest in the State of North Carolina and provides water from Kerr Lake to those who reside in Warren County, Vance County and Granville

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County, Dr. Green was a part of that team of individuals with former City Manager Irwin Holmes in Henderson and Mayor Currin in Oxford who worked together to open up that area to growth and development, to help bring in jobs that ultimately came from plants like Revlon and many others that located there. Dr. Green, in so many ways, was out there in the forefront, out there in the trenches. When it came time to provide medical services, if you went to his office it was so overwhelming. In a typical day he would see anywhere between seventy-five and a hundred people and you did not get an appointment when you went there. You went there between 7:00 A.M. and 8:00 A.M. and you pulled a number and he worked all day long to help those that were less fortunate, those that needed health care, and those that had no other alternatives. To Dr. Green and to his family, I thank you all. When it came to giving, his son worked underneath me on several occasions as an assistant planner and at one time in a law office that I had in Oxford. During a time when I was Chairman of the Board of Land Loss Prevention Project, a purely voluntary role for me, his son Jimmy was working in a commensurate capacity to help those farmers that were unfortunately facing the potential of losing their land to foreclosure. They were having problems with the Farmers Home Administration with their loans and Jimmy was an outstanding attorney and a passionate advocate for the needs of those that were less fortunate and truly needy. They are a family that is committed to those goals and those aspirations that are ideals in our hearts and in society and they not only spoke those words but took the actions that were appropriate to make significant and meaningful change. To people like Dr. Green, to people like his son, Jimmy, I can only say thank you for what you have brought to us. Thank you for those lives you have touched, not only in the counties where you live but throughout the State of North Carolina. I really didn't realize we were going to have this day but I can say this, it's been a privilege and it's been an honor to be associated with such a distinguished family. Thank you."

The joint resolution passes its second reading (40-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Berger of Franklin the Chair extends the courtesies of the gallery to Mrs. Carolyn Smith Green, wife of Dr. Green and mother of Attorney Green; Mr. Isaac Hughes Green, Sr., son of Dr. Green and brother of Attorney Green; Ms. Carolyn Green Boone, J.D., daughter of Dr. Green and sister of Attorney Green; Mr. Franklin Boone III, grandson of Dr. Green and nephew of Attorney Green; Miss Francesca Boone, granddaughter of Dr. Green and niece of Attorney Green; and Ms. Marjorie Donaldson, niece of Dr. Green and cousin of Attorney Green.

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. 2064 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES PRESTON "JIMMY" GREEN, JR., AN ATTORNEY AND A MAN OF GREAT COMPASSION WHO WORKED TIRELESSLY IN HIS COMMUNITY TO IMPROVE THE LIVES OF THE LESS FORTUNATE.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on the Calendar for immediate consideration.

The joint resolution passes its second reading (40-0) and third reading with members standing and is ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1136 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE TOWNS OF DAVIDSON, FRANKLIN, AND MURPHY TO AREAS LAW ENFORCEMENT OFFICERS AND EMPLOYEES MAY USE ALL-TERRAIN VEHICLES ON HIGHWAYS WITH POSTED SPEED LIMITS OF THIRTY-FIVE MILES PER HOUR OR LESS.

Pursuant to the message from the House of Representatives received July 19 that the House fails to concur in the Senate Committee Substitute bill for H.B. 1136 and requests conferees, Senator Rand announces the appointment of Senator Snow, Chair; Senator Berger of Franklin; Senator Bingham; and Senator Brown 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 Rand, seconded by all members of the Senate, the Senate adjourns in memory of Dr. James Preston Green, Sr., and James Preston Green, Jr., subject to receipt of committee reports, House Messages and re-referral of bills, to meet Wednesday, July 25, at 3:00 P.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 398 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIZENS OF UNION COUNTY TO DETERMINE IF DISTRICT REPRESENTATION SHOULD BE IMPLEMENTED FOR THE UNION COUNTY BOARD OF COMMISSIONERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 1023 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUS OF LOCAL ENTITY EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT, TO MODIFY THE PUBLIC

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RECORDS LAWS APPLICABLE TO THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGES, TO PROTECT THE PRIVACY OF APPLICANTS WHO ARE NOT ADMITTED OR WHO DO NOT ENROLL, AND TO PROVIDE THAT CERTAIN AUDIT RECORDS ARE PUBLIC DOCUMENTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 25, for concurrence.

S.B. 1465 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998, (2) PROVIDE FOR THE REPLACEMENT OF A LAGOON THAT IS AN IMMINENT HAZARD, (3) ASSIST FARMERS TO VOLUNTARILY CONVERT TO INNOVATIVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND (4) ESTABLISH THE SWINE FARM METHANE CAPTURE PILOT PROGRAM, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, July 25, for concurrence.

H.B. 346 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A SALES AND USE TAX REFUND FOR TOURISM DEVELOPMENT AUTHORITIES AND OTHER ENTITIES AUTHORIZED TO SPEND OCCUPANCY TAX PROCEEDS FOR THE PROMOTION OF TRAVEL AND TOURISM.

Referred to the **Finance Committee**.

H.B. 1036 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALLOCATION AMONG LOCAL GOVERNMENTS OF THE TENNESSEE VALLEY AUTHORITY PAYMENT IN LIEU OF TAXES.

Referred to the **Finance Committee**.

H.B. 1269 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL A BUDGET SPECIAL PROVISION GIVING A FULL TUITION GRANT TO GRADUATES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS, EFFECTIVE WITH PERSONS ENTERING THAT SCHOOL AFTER THE 2007-2008 ACADEMIC YEAR AND TO APPROPRIATE FUNDS FOR A STUDY OF AN ALTERNATE TUITION BENEFIT.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 1912 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE FUNDS FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO RETROFIT SCHOOL

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BUSES IN ORDER TO REDUCE DIESEL EMISSIONS FROM CERTAIN DIESEL SCHOOL BUSES REGISTERED IN COUNTIES LOCATED IN AREAS DESIGNATED AS NONATTAINMENT OR MAINTENANCE FOR OZONE OR PARTICULATE MATTER.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 820, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN NATURAL RESOURCES LAWS TO CLARIFY THAT DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, referred to the **Agriculture/Environment/Natural Resources Committee** on July 18.

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 **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-refers the measure to the **Finance Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1421, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN APPLICANT FOR A CERTIFICATE FOR A TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN HAS THE BURDEN OF PROOF TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION SHOULD GRANT THE CERTIFICATE, TO PROVIDE THAT THE WATER RIGHTS OF THE RECEIVING RIVER BASIN ARE SUBORDINATE TO THOSE OF THE SOURCE RIVER BASIN, AND TO PROVIDE THAT A CERTIFICATE FOR A TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN INCLUDES CONDITIONS THAT PROTECT THE WATER SUPPLY OF THE SOURCE RIVER BASIN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15125, which changes the title to read **S.B. 1421** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND

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THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Finance Committee**.

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 7:36 P.M.

ONE HUNDRED FOURTH DAY

Senate Chamber
Wednesday, July 25, 2007

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 Steve Sumerel, First Baptist Church, Raleigh, North Carolina as follows:

"Omnipotent God, you are the God who dwells in all the earth, in the sprawling cities and quaint towns, and in pristine forests and meadows and coastline of this great State. You dwell in the homes of the rich and poor, and in the shelters and missions of those who have no home. May it also be that you shall dwell within the hearts and minds of these assembled, seeking wisdom for the tasks before them. It is from within your vastness that competing interests and perspectives are connected; for you are far larger than a single State, or Nation, or ideology. We seek now, oh God, just a peek through your omnipotent vision, the clarity of a big picture, as this body seeks to bring that which is good to all the people, and to all the places wherein your spirit dwells. Bless them in that noble task, we humbly pray. Amen."

The Chair grants leaves of absence for today to Senator Dannelly and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, July 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The Chair extends privileges of the floor to Dr. Colin Jones from Ahoskie, North Carolina, who is serving the Senate as Doctor of the Day, and to Liz Newlin from Fuquay-Varina, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Stevens for the **Education/Higher Education Committee**:

H.B. 851, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EDUCATIONAL REQUIREMENT FOR THE TEACHER ASSISTANT SCHOLARSHIP 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 80483, is adopted and engrossed.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 448, AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF AGING AND ADULT SERVICES, TO STUDY PROGRAM AND SERVICE LEVELS AND NEEDS FOR OLDER ADULTS IN BRUNSWICK, BUNCOMBE, GASTON, HENDERSON, MOORE, AND NEW HANOVER COUNTIES.

S.B. 1482, AN ACT TO EXEMPT FROM THE REQUIREMENTS OF G.S. 136-102.6 SUBDIVISIONS LOCATED WITHIN THE EXTRATERRITORIAL PLANNING JURISDICTION OF MUNICIPALITIES HAVING A POPULATION OF AT LEAST 500,000, IN AND TO THE EXTENT THAT SUCH SUBDIVISIONS CONTAIN STREETS THAT HAVE BEEN APPROVED BY ANY SUCH MUNICIPALITY AS MEETING THE PUBLIC STREET STANDARDS OF SUCH MUNICIPALITY PRIOR TO THE EFFECTIVE DATE OF THIS ACT, AND TO EXEMPT SUCH SUBDIVISIONS FROM ANY ORDINANCE REQUIREMENT THAT SUCH PUBLIC STREETS MEET THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

H.B. 349, AN ACT TO REPEAL THE LAW ALLOWING THE STATE BOARD OF EDUCATION TO REMOVE LOCAL SCHOOL BOARD MEMBERS.

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H.B. 514, AN ACT TO ALLOW PASSENGER BUSES THAT HAVE AN OVERALL LENGTH OF FORTY-FIVE FEET TO OPERATE ON PUBLIC STREETS AND HIGHWAYS.

H.B. 1321, AN ACT TO PROVIDE A WEIGHT AND SIZE EXCEPTION TO STATE AND LOCAL FIREFIGHTING AGENCIES TRANSPORTING OVERWEIGHT AND OVERSIZED VEHICLES BEING USED TO COMBAT FOREST FIRES, WILDFIRES, AND OTHER EMERGENCIES OR DISASTERS, TO AUTHORIZE THE ISSUANCE OF AN ANNUAL OR SINGLE TRIP PERMIT FOR OVERSIZE AND OVERWEIGHT COMMERCIAL VEHICLES USED IN EMERGENCY RESPONSE, AND TO AUTHORIZE THE ISSUANCE OF A SINGLE TRIP PERMIT FOR OVERSIZE OR OVERWEIGHT VEHICLES OR VEHICLE COMBINATIONS RESPONDING TO AN EMERGENCY EVENT.

H.B. 1488, AN ACT AMENDING THE PSYCHOLOGY PRACTICE ACT TO CLARIFY REQUIREMENTS FOR PERMANENT LICENSURE.

The Enrolling Clerk reports the following joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 2064, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES PRESTON "JIMMY" GREEN, JR., AN ATTORNEY AND A MAN OF GREAT COMPASSION WHO WORKED TIRELESSLY IN HIS COMMUNITY TO IMPROVE THE LIVES OF THE LESS FORTUNATE. (Res. 60)

H.J.R. 2065, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. JAMES PRESTON GREEN, SR., A PHYSICIAN AND FORMER MEMBER OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES. (Res. 61)

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. 473, AN ACT TO PROHIBIT HUNTING AND FISHING ON PRIVATE PROPERTY WITHOUT WRITTEN PERMISSION FROM THE LANDOWNER OR LESSEE AND TO PROHIBIT HUNTING ON PRIVATE PROPERTY WHILE UNDER THE INFLUENCE OF AN IMPAIRING SUBSTANCE. (Became law upon ratification, July 24, 2007 - S.L. 2007-264.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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By Senator Hartsell for the **Judiciary II Committee**:

S.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF ROBBERY WITH AN APPARENT FIREARM, 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, 75446, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill No. 2 is referred to the **Appropriations/Base Budget Committee**.

H.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE: (1) TO ESTABLISH A TIME LIMIT FOR SERVING UPON EACH PARTY TO AN ACTION A COPY OF A SUBPOENA TO APPEAR OR TO PRODUCE RECORDS AND (2) TO AUTHORIZE A PARTY TO AN ACTION TO OBJECT TO A SUBPOENA, with an unfavorable report 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. 316** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE TO ESTABLISH AN OBLIGATION TO PROVIDE NOTICE TO ALL PARTIES TO AN ACTION OF THE ISSUANCE OF A SUBPOENA AND THE RECEIPT OF MATERIAL PRODUCED IN COMPLIANCE WITH THE SUBPOENA, AND TO PROVIDE A REASONABLE OPPORTUNITY TO INSPECT SUCH MATERIAL, is adopted and engrossed.

H.B. 943 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE REGISTRAR TO ASSIST COUNTY JURY COMMISSIONS IN UPDATING THEIR LISTS OF PROSPECTIVE JURORS BY PROVIDING A LIST OF RESIDENTS OF EACH COUNTY WHO HAVE DIED RECENTLY; AND TO EXCLUDE FROM THE LISTS PROVIDED BY THE COMMISSIONER OF MOTOR VEHICLES TO COUNTY JURY COMMISSIONS THE NAMES OF PERSONS WHOSE DRIVERS LICENSES HAVE BEEN EXPIRED FOR AT LEAST EIGHT YEARS AND WHO HAVE BEEN INACTIVE VOTERS FOR AT LEAST FOUR YEARS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70600, which changes the title upon concurrence to read **H.B. 943** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE REGISTRAR TO ASSIST COUNTY JURY COMMISSIONS IN UPDATING THEIR LISTS OF PROSPECTIVE JURORS BY PROVIDING A LIST OF RESIDENTS OF EACH COUNTY WHO HAVE DIED RECENTLY; TO REQUIRE THE STATE REGISTRAR TO PROVIDE THE COMMISSIONER

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OF MOTOR VEHICLES WITH A LIST OF RESIDENTS OF THE STATE WHO HAVE DIED RECENTLY; AND TO EXCLUDE FROM THE LISTS PROVIDED BY THE COMMISSIONER OF MOTOR VEHICLES TO COUNTY JURY COMMISSIONS THE NAMES OF PERSONS WHOSE DRIVERS LICENSES HAVE BEEN EXPIRED FOR AT LEAST EIGHT YEARS AND WHO HAVE BEEN INACTIVE VOTERS FOR AT LEAST EIGHT YEARS, is adopted and engrossed.

H.B. 947 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THAT A NOTICE OF SALE IN FORECLOSURE PROCEEDINGS BE SENT TO ANY TENANT RESIDING IN THE PROPERTY TO BE SOLD AND ALLOWING THE TENANT AFTER RECEIVING THE NOTICE TO TERMINATE THE RENTAL AGREEMENT UPON TEN DAYS' WRITTEN NOTICE TO THE LANDLORD, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30516, which changes the title upon concurrence to read **H.B. 947** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A NOTICE OF SALE IN FORECLOSURE PROCEEDINGS BE SENT TO CERTAIN TENANTS RESIDING IN THE PROPERTY TO BE SOLD, TO ALLOW THOSE TENANTS AFTER RECEIVING THE NOTICE TO TERMINATE THE RENTAL AGREEMENT UPON TEN DAYS' WRITTEN NOTICE TO THE LANDLORD, TO REQUIRE THAT THOSE TENANTS BE GIVEN THIRTY DAYS' NOTICE OF AN APPLICATION FOR AN ORDER FOR POSSESSION, AND TO CLARIFY THAT THE PROCEEDS IN THE AUTOMATION ENHANCEMENT AND PRESERVATION FUND MAY BE USED FOR THE PRESERVATION AND STORAGE OF PUBLIC RECORDS, is adopted and engrossed.

PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable Thomas F. Taft, former Senator from Pitt County.

The Senate recesses at 3:10 P.M. for the purpose of a State & Local Government Committee meeting to reconvene at 3:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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By Senator Malone for the **Education/Public Instruction Committee**:

H.B. 536, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT NEW STANDARDS FOR SCHOOL ADMINISTRATOR PREPARATION PROGRAMS, with a favorable report.

H.B. 966 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM AUTHORIZING THE IMPLEMENTATION OF ALTERNATIVE TEACHER SALARY PLANS, 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 70602, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1176 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE STATE RIGHT-OF-WAY IN TYRRELL COUNTY.

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.

H.B. 922 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION AND TO CHANGE THE TIME WHEN THE MEMBERS OF THE HYDE COUNTY BOARD OF EDUCATION TAKE OFFICE, for adoption.

Upon motion of Senator Jenkins, the Senate adopts the Conference Report (48-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 454 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING THE TAKING OF A PHOTOGRAPH OF A PERSON WHO IS CITED FOR A MOTOR VEHICLE MOVING VIOLATION, WHO DOES NOT PRODUCE A VALID DRIVERS LICENSE UPON THE REQUEST OF A LAW ENFORCEMENT OFFICER, AND WHERE THE LAW ENFORCEMENT OFFICER HAS A REASONABLE SUSPICION

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REGARDING THE TRUE IDENTITY OF THE PERSON, AND TO PROVIDE A CAUSE OF ACTION FOR A PERSON WHOSE IDENTIFYING INFORMATION IS PUBLISHED OVER OBJECTION.

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.

H.B. 810 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE TRAINING AND QUALIFICATION REQUIREMENTS APPLICABLE TO ANIMAL WASTE MANAGEMENT TECHNICAL SPECIALISTS IN THE PROVISION OF SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION; (2) EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS; AND (3) CLARIFY THE APPLICABILITY OF THE WATER QUALITY ENFORCEMENT PROVISIONS IN ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES.

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.

INTRODUCTION OF BILLS AND RESOLUTIONS

A bill is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Rand:

S.R. 1570, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF MARK FOSTER MADE BY THE GOVERNOR TO THE BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**.

CALENDAR *(continued)*

H.B. 1060 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OF THE STATE.

Senator McKissick offers Amendment No. 1 which he subsequently withdraws.

The Committee Substitute bill passes its second reading (48-0).

Senator McKissick objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, July 26, upon third reading.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

H.B. 1577 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO HEARING AID DEALERS AND FITTERS AND TO AUTHORIZE THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO ADD FEES, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1738, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ADVISORY COMMISSION ON HOSPITAL INFECTION CONTROL AND DISCLOSURE, 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 30520, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE FIRST COMMITMENT PILOT PROGRAM, TO FURTHER CLARIFY LME CORE FUNCTIONS, AND TO ALLOW ADDITIONAL TIME FOR AN LME TO MERGE WHEN IT HAS GONE BELOW THE TWO HUNDRED THOUSAND POPULATION OR SIX COUNTY THRESHOLD DUE TO A CHANGE IN COUNTY MEMBERSHIP AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; AND TO ALLOW AREA AUTHORITIES WITH EIGHT OR MORE COUNTIES TO HAVE UP TO THIRTY MEMBERS ON THE BOARD, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70603, which changes the title upon concurrence to read **H.B. 627** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO AND STRENGTHEN THE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES SYSTEM WITH RESPECT TO: THE FIRST COMMITMENT PILOT PROGRAM; LME FUNCTIONS, ADMINISTRATION, AND BOARD MEMBERSHIP; THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES RULE-MAKING AUTHORITY AND PROFESSIONAL STAFFING; THE QUALITY AND ACCESS OF MENTAL HEALTH SERVICES; AND REQUIREMENTS PERTAINING TO LME BUSINESS PLANS, is adopted and engrossed.

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H.B. 628 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A UNIFORM SLIDING FEE SCHEDULE FOR MH/DD/SA SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80482, which changes the title upon concurrence to read **H.B. 628** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A UNIFORM CO-PAYMENT SCHEDULE FOR MH/DD/SA SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, is adopted and engrossed.

Upon motion of Senator Purcell, the Senate Committee Substitute bill is referred to the **Finance Committee**.

By Senator Graham for the **State & Local Government Committee**:

H.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70601, is adopted and engrossed.

The Senate recesses at 3:49 P.M. for the purpose of a Pensions & Retirement and Aging Committee meeting to reconvene at 3:54 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. 1372 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE REVISED UNIFORM ANATOMICAL GIFT ACT;

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TO PROVIDE THAT THE DECISION TO HAVE THE HEART SYMBOL ON ONE'S DRIVERS LICENSE IS LEGALLY SUFFICIENT CONSENT TO ORGAN DONATION UNLESS REVOKED BY THE DONOR; TO IMPROVE DONOR OR PROSPECTIVE DONOR ONLINE ACCESS TO INDICATE OR REVOKE ORGAN AND TISSUE DONATION; AND TO MAKE CONFORMING CHANGES TO OTHER AFFECTED GENERAL STATUTES.

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 for concurrence.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

S.B. 1226 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED NURSES TO RETURN TO EMPLOYMENT WITH LOCAL HEALTH DEPARTMENTS IN CLEVELAND COUNTY WITHOUT LOSING RETIREMENT BENEFITS, 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, 15128, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Calendar.

CALENDAR *(continued)*

H.B. 1649, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF VOTING MEMBERS ON THE GOVERNOR'S CRIME COMMISSION FROM THIRTY-SIX TO THIRTY-EIGHT.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 1650, A BILL TO BE ENTITLED AN ACT TO INCREASE MEMBERSHIP ON THE ACUPUNCTURE LICENSING BOARD FROM SIX TO NINE.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 1702 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSERVE ENERGY AND TO REQUIRE A STUDY OF THE DEGREE OF INSULATION FOR HOT WATERLINES THAT SHOULD BE REQUIRED.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor by special message.

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H.B. 1718 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CERTAIN CITIES TO ENACT FAIR HOUSING ORDINANCES.

Senator Dorsett offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 1529 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES' HEALTH BENEFITS.

The Senate Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives special message for concurrence.

S.B. 1023 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATUS OF LOCAL ENTITY EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT, TO MODIFY THE PUBLIC RECORDS LAWS APPLICABLE TO THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGES, TO PROTECT THE PRIVACY OF APPLICANTS WHO ARE NOT ADMITTED OR WHO DO NOT ENROLL, AND TO PROVIDE THAT CERTAIN AUDIT RECORDS ARE PUBLIC DOCUMENTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1465 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998, (2) PROVIDE FOR THE REPLACEMENT OF A LAGOON THAT IS AN IMMINENT HAZARD, (3) ASSIST FARMERS TO VOLUNTARILY CONVERT TO INNOVATIVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND (4) ESTABLISH THE SWINE FARM METHANE CAPTURE PILOT PROGRAM, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill No. 2 (48-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1226 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED NURSES TO RETURN TO EMPLOYMENT WITH LOCAL HEALTH DEPARTMENTS IN CLEVELAND COUNTY WITHOUT LOSING RETIREMENT BENEFITS, placed earlier on today's Calendar.

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The Committee Substitute bill No. 2 passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2063 (Committee Substitute), A JOINT RESOLUTION HONORING THE TUSKEGEE AIRMEN AND EXPRESSING APPRECIATION FOR THEIR SERVICE DURING WORLD WAR II.

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 Jones, the remarks of the members are spread upon the Journal, as follows:

Senator Dorsett:

“It’s certainly my pleasure today to present this resolution to the members of the Senate. The Tuskegee Airmen was the popular name of a group of African-American pilots who flew with distinction during World War II as the 332nd Fighter Group of the United States Army Air Corps. In June 1941, the Tuskegee program officially began with the formation of the 99th Fighter Squadron at the Tuskegee Institute and that’s a highly regarded University that was founded by Booker T. Washington in Tuskegee, Alabama. The 99th was ready for combat duty during some of the allies’ earliest actions in the North African campaign and was transported to Casablanca, Morocco. The fliers in the ground crew were largely isolated by racial segregation practices and they were left with very little guidance and battle-experienced pilots. But far from failing as they were expected to do, a combination of pre-war experience and the personal perseverance and drive of those accepted for training resulted in some of the best pilots in the United States Army Air Corps. Nevertheless, the Tuskegee Airmen continued to have to fight racism. Their combat record did much to quiet those directly involved with the group, notably bomber crews who often requested them for escort but other units were less than interested and continued to harass the airmen. It was on March 29, 2007, after many years about 350 Tuskegee Airmen and their widows were collectively awarded the Congressional Gold Medal at the ceremony in the United States Capitol rotunda. Many other states have honored and recognized these men of bravery. As a matter of fact, one of the Tuskegee Airmen who now lives in North Carolina is in Illinois today being recognized by the Illinois General Assembly because he is a native person from Illinois. So today after many years, we in North Carolina celebrate all of the Tuskegee Airmen for their heroic contributions during World War II and the momentum that they

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encourage for Civil Rights. We especially recognize those who were born or reside in North Carolina as a symbol of their bravery for all North Carolinians who serve in our military. Many have passed on but quite a few are with us today, they or their families, and their memories and their contributions continue to live with us. We extend our appreciation to this group who are sitting in the gallery today, to them and their families for the sacrifices and contributions that they have made and certainly I commend the resolution to you. Thank you.”

Senator Kinnaird:

“I am proud to say that a friend of mine, Chuck Stone, who was Professor Emeritus of Journalism, a Robert Spearman Distinguished Professor, was a member of this outstanding group. I am just very pleased that we have had a number of articles this year that have finally brought out the real bravery and courage and real respect that we owe them. I’m very grateful that we have this resolution and I commend it to you. Thank you.”

Senator East:

“Ladies and gentlemen of the Senate, I had become somewhat enamored with the stories and the movies and all of the Tuskegee Airmen and their heroics and the tough struggles that they came through back in the 1940’s. You know, it was a different world in the 1940’s than it is today. I had learned that a popular figure around the General Assembly, Mr. Harold Webb, who is currently a Wake County Commissioner, was a member of the Tuskegee Airmen, so I have aggravated him several times and got bits and pieces of information out of him. He is a very interesting fellow and he agreed to talk to a little group that I put together three or four weeks ago with about six to eight people. Mr. Webb came and told us some of his experiences and brought some of his memorabilia and it was just so very interesting. I read with interest when this group appeared at the White House back in March, I think it was, and got this recognition from the federal government. Thank you all for what you are doing and, Mr. Webb, I think you are up there someplace and thank you for being a fine North Carolinian and thank you for being my friend. I certainly recommend this resolution to everyone.”

Senator McKissick:

“I’d just like to pay tribute to those Tuskegee Airmen and in particular Mr. Ed Fulbright from Durham. I know he was one of those that served as excellent role models. They fought with equipment that wasn’t always first class. They did it heroically, they led, they gave their lives and, most importantly, they did it all in tribute to our Country and the rights and privileges that we all aspire to. I know I learned so much about them from my uncle, the late Irving McCain, who was also living down in Tuskegee. He was a dentist, actually, in that time frame

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and he was in the Air Force and he frequently told me so many stories and so many of them were told to me by many, many others who were actually part of that very distinguished group. So we honor them and we pay tribute to them appropriately.”

Senator Brock:

“A few weeks ago I mentioned my uncle who was a waste gunner on a B-17 over Europe and he was shot down a couple of times in the missions that they flew. In the bombing missions during the day time, they only expected 25% return of the flight crews that would fly over and today when I saw them come in, wearing those red jackets, I thought about what they were called, the Red Tail Angels, and I know those flight crews that flew those dangerous missions over Europe at that time felt the same way when they looked up and saw those red tails that had their protection. It’s a shame that we waited this long to thank them for all they went through. Not only that they went through some of the toughest air battles, but the toughest battles were back here at home and while they were in the theatre of war. This thank you is a little bit late because we are losing over 1000 of our World War II veterans each and every day. Hopefully, this will be passed to you and your families and thank you for what you did for my family.”

Senator Atwater:

“It really is an honor and a privilege for us to recognize these Tuskegee Airmen today. They were the very best of the best and they conducted themselves in such an exemplary fashion in the air and on the ground, not only during those years but in the intervening years. We admire them so greatly and I think that we are truly privileged to be in their presence today.”

The joint resolution passes its second reading (48-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Dorsett the Chair extends the courtesies of the gallery to Mr. Walter Chavis; Mrs. Lavon-de-Driver, widow of Dr. John H. Driver; sons of Lieutenant Wilson V. Eagleson, II: Mr. Wilson V. Eagleson, Mr. Gerald Eagleson (Retired Staff Sergeant, U.S. Army), Mr. William McDonald, and Mr. Harold H. Webb; Mr. Roger Vann Smith, brother of Mr. Reginald V. Smith; Mr. Fredric White, grandson of Mr. Reginald V. Smith; Chester Beverly, Retired Colonel U.S. Air Force; Minnie Beverly, Retired Lieutenant Colonel U.S. Air Force; Leonard Hunter, Retired Technical Sergeant U.S. Air Force; Cleopas Mason, Retired Master Sergeant U.S. Air Force; Delores Henderson; Joyce E. Mason, Chapter President; Dr. Clarence G. Newsome, President of Shaw University; Mrs. Lynne Newsome; and Ms. Sherry Courtney, Executive Assistant at Shaw University.

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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 25, 2007

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. 1479** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS.

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. 1479 on July 24, the President orders the bill enrolled and sent to the Governor by special message.

WITHDRAWAL FROM COMMITTEE

S.J.R. 1569, A JOINT RESOLUTION HONORING THE ACCOMPLISHMENTS OF JOE THOMPSON AND THE LATE ODELL THOMPSON, LEGENDARY NORTH CAROLINA MUSICIANS, referred to the **Rules and Operations of the Senate Committee** on July 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, July 30, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, July 30.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

H.B. 1328, A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON CONVICTED OF A SEX OFFENSE WHO IS PURSUING CHILD CUSTODY

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EX PARTE TO DISCLOSE THE CONVICTION IN THE PLEADINGS, 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 60394, is adopted and engrossed.

Upon motion of Senator Rand, seconded by Senator Dorsett, the Senate adjourns subject to re-referral of bills, receipt of committee reports and reading of messages from the House of Representatives, to meet Thursday, July 26, at 3:00 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 25, 2007

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. 767** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL LAW ENFORCEMENT OFFICERS AND ALL FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES PERSONNEL THROUGHOUT THE STATE TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES; TO ALLOW CERTAIN MUNICIPAL AND COUNTY EMPLOYEES CURRENTLY AUTHORIZED TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES TO CONTINUE; TO REPEAL LOCAL ACTS ON THE SUBJECT; AND TO MANDATE THAT ATV SAFETY COURSES BE APPROVED BY THE COMMISSIONER OF INSURANCE, and requests conferees.

Speaker Hackney has appointed:

Representative Sutton, Chair
Representative Haire, and
Representative West

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 24, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment No. 1 for **H.B. 649**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' REGISTRATION BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE LAWS PERTAINING TO LANDSCAPE CONTRACTORS.

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, 2007

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 3 for **S.B. 103** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR SPECIAL PLATE AND TO ELIMINATE THE FEE FOR THE GOLD STAR SPECIAL PLATE; TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS; TO ELIMINATE THE ADDITIONAL FEE AMOUNT FOR THE BREAST CANCER AWARENESS PLATE; TO INCREASE THE ADDITIONAL FEE FOR THE NC COASTAL FEDERATION PLATE; TO AUTHORIZE THE DIVISION OF MOTOR

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VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: PROSTATE CANCER AWARENESS, JUVENILE DIABETES RESEARCH, BREAST CANCER EARLIER DETECTION, BRAIN INJURY AWARENESS, NC TENNIS FOUNDATION, ALS RESEARCH, NATIONAL KIDNEY FOUNDATION, AIDS AWARENESS, HOME CARE AND HOSPICE, AND HOSPICE CARE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ASSIGN A SPECIAL REGISTRATION PLATE FOR THE PRESIDENT OF THE NORTH CAROLINA COMMUNITY COLLEGES SYSTEM; AND TO MAKE TECHNICAL CORRECTIONS IN THE STATUTE CONCERNING ASSIGNMENTS OF SPECIAL REGISTRATION PLATES TO STATE GOVERNMENT OFFICIALS, and requests conferees, Speaker Hackney appoints:

Representative Alexander, Chair
Representative Carney
Representative Weiss
Representative Womble
Representative Pate
Representative Howard, and
Representative Sutton

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 220 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ROANOKE RAPIDS AND THE TOWNS OF AHOSKIE, COLUMBUS, AND WELDON, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 26, for concurrence.

S.B. 692 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOXING ADVISORY COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 26, for concurrence.

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S.B. 882 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INDUSTRIAL COMMISSION TO EMPLOY SWORN LAW ENFORCEMENT OFFICERS TO PERFORM FRAUD INVESTIGATIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 26, for concurrence.

S.B. 1303 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MOUNTAIN HERITAGE TROUT WATERS THREE-DAY FISHING LICENSE AND TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ADOPT RULES TO ESTABLISH AND IMPLEMENT A MOUNTAIN HERITAGE TROUT WATERS PROGRAM, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 26, for concurrence.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 862 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANT PROTECTION AND CONSERVATION ACT, with a favorable report.

S.B. 1485 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING EDUCATION REQUIREMENTS FOR REAL ESTATE APPRAISERS UNDER THE NORTH CAROLINA APPRAISERS ACT, ELIMINATING THE CATEGORY OF LICENSED RESIDENTIAL REAL ESTATE APPRAISER, AND AUTHORIZING THE NORTH CAROLINA APPRAISAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 55552, is adopted and engrossed.

H.B. 429 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF OCEAN ISLE BEACH, EMERALD ISLE, AND HOLDEN BEACH TO SET CANAL DREDGING FEES BASED ON A PROPERTY OWNER'S FRONTAGE ABUTTING A DREDGING PROJECT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30524, which changes the title upon concurrence to read **H.B. 429** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE

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TOWNS OF OCEAN ISLE BEACH, EMERALD ISLE, AND HOLDEN BEACH TO SET CANAL DREDGING FEES BASED ON A PROPERTY OWNER'S FRONTAGE ABUTTING A DREDGING PROJECT, AND TO MODIFY BRUNSWICK COUNTY'S FIRE PROTECTION FEES, is adopted and engrossed.

H.B. 535 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL BACKGROUND REVIEWS FOR CURRENT AND FUTURE EMS PERSONNEL, 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, 10268, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 1492 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10)

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REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, 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, 65276, is adopted and engrossed.

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 8:43 P.M.

ONE HUNDRED FIFTH DAY

Senate Chamber
Thursday, July 26, 2007

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 Steve Sumerel, First Baptist Church, Raleigh, North Carolina as follows:

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"Wondrous God, throughout the ages powerful stories of your miraculous acts have reminded us of your inexplicable creative nature. A universe appears, life begins, the seasons march on. Though the particulars of 'how' may be debated, these acts stand as humbling expressions of your wondrous and creative nature. So, in these times of serious deliberation, of meeting head on the barriers that might hinder the completion of the work, we pray for the will and the way to enter into the storehouse of your creative spirit. May the spark that was from the beginning be present now and within our grasp. This we humbly pray. Amen."

The Chair grants leaves of absence for today to Senator Cowell, Senator Dannelly and Senator Graham.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, July 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Joanne Martin from New Bern, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 1023, AN ACT TO CLARIFY THE STATUS OF LOCAL ENTITY EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT, TO MODIFY THE PUBLIC RECORDS LAWS APPLICABLE TO THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGES, TO PROTECT THE PRIVACY OF APPLICANTS WHO ARE NOT ADMITTED OR WHO DO NOT ENROLL, AND TO PROVIDE THAT CERTAIN AUDIT RECORDS ARE PUBLIC DOCUMENTS.

S.B. 1465, AN ACT TO (1) CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998, (2) PROVIDE FOR THE REPLACEMENT OF A LAGOON THAT IS AN IMMINENT HAZARD, (3) ASSIST FARMERS TO VOLUNTARILY CONVERT TO INNOVATIVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND (4) ESTABLISH THE SWINE FARM METHANE CAPTURE PILOT PROGRAM.

S.B. 1479, AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS.

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H.B. 73, AN ACT TO IMPROVE THE STATE CAPITAL FACILITIES PROGRAM BY DIRECTING THE STATE BUILDING COMMISSION TO REVIEW THE PROGRAM AND IMPLEMENT MEASURES TO REDUCE DELAYS AND INCREASE ACCOUNTABILITY AMONG THE PARTIES TO THE DESIGN AND CONSTRUCTION PROCESS, BY INCREASING THE BIDDING AND DESIGNER SELECTION THRESHOLDS FOR STATE CONSTRUCTION CONTRACTS, AND BY DIRECTING THE STATE PERSONNEL OFFICE TO CONDUCT A MARKET STUDY OF ARCHITECT AND ENGINEERING POSITION CLASSIFICATIONS.

H.B. 488, AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO PROVIDE FOR AN ADMINISTRATIVE INITIAL SCREENING OF REASSIGNMENT APPEALS.

H.B. 729, AN ACT TO ADDRESS NONFLEET PRIVATE PASSENGER MOTOR VEHICLE INSURANCE RATE EVASION FRAUD AND TO AUTHORIZE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE ISSUES RELATED TO AUTOMOBILE INSURANCE RATE EVASION.

H.B. 772, AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUSPEND ADMISSIONS OR SERVICES IN HOSPITALS AS PART OF TAKING ADVERSE ACTION AGAINST A HOSPITAL'S LICENSE; TO ALLOW FOR THE WAIVER OF HOSPITAL LICENSURE RULES DURING AN EMERGENCY; TO ALLOW CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF LICENSED MENTAL HEALTH FACILITIES BY PRIVATE ENTITIES; TO MAKE TECHNICAL CORRECTIONS IN THE HEALTH CARE PERSONNEL REGISTRY STATUTES; TO REQUIRE FINES TO BE PAID PRIOR TO TRANSFER OF OWNERSHIP OF ADULT CARE HOMES; TO CHANGE TIME FRAMES OF INVESTIGATIONS OF ADULT CARE HOMES; AND TO REQUIRE THE CODIFIER OF RULES TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE HEALTH SERVICES COMMISSION.

H.B. 976, AN ACT TO CLARIFY THE DEFINITION OF PUBLIC VEHICULAR AREA IN MOTOR VEHICLE LAW AND TO REQUIRE ACCESS TO GATED COMMUNITIES FOR EMERGENCY SERVICE VEHICLES.

H.B. 1471, AN ACT TO ALLOW EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ALLOW AN EXISTING CHARTER SCHOOL TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

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H.B. 1649, AN ACT TO INCREASE THE NUMBER OF VOTING MEMBERS ON THE GOVERNOR'S CRIME COMMISSION FROM THIRTY-SIX TO THIRTY-EIGHT.

H.B. 1650, AN ACT TO INCREASE MEMBERSHIP ON THE ACUPUNCTURE LICENSING BOARD FROM SIX TO NINE.

H.B. 1702, AN ACT TO CONSERVE ENERGY AND TO REQUIRE A STUDY OF THE DEGREE OF INSULATION FOR HOT WATERLINES THAT SHOULD BE REQUIRED.

The Enrolling Clerk reports the following bills and a joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 78, AN ACT TO AUTHORIZE BURKE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

H.B. 555, AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE GREATER FLEXIBILITY IN THE PAYMENT OF SPECIAL ASSESSMENTS AND THE COLLECTION OF DELINQUENT SPECIAL ASSESSMENT PAYMENTS, AND TO ALLOW THE CITY OF ROANOKE RAPIDS TO ASSESS BENEFITED PROPERTIES FOR MAINTENANCE OF PARKING LOTS.

H.B. 1191, AN ACT TO INCORPORATE THE TOWN OF EASTOVER.

H.J.R. 2063, A JOINT RESOLUTION HONORING THE TUSKEGEE AIRMEN AND EXPRESSING APPRECIATION FOR THEIR SERVICE DURING WORLD WAR II. (Res. 62)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1912 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE FUNDS FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO RETROFIT SCHOOL BUSES IN ORDER TO REDUCE DIESEL EMISSIONS FROM CERTAIN DIESEL SCHOOL BUSES REGISTERED IN COUNTIES LOCATED IN AREAS DESIGNATED AS NONATTAINMENT OR MAINTENANCE FOR OZONE OR PARTICULATE MATTER, with a favorable report.

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H.B. 859, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE LAW THAT SETS THE PER POUND FACTOR USED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION TO CALCULATE NUTRIENT OFFSET PAYMENTS AND REQUIRES THAT THE NUTRIENT OFFSET PAYMENT FOR NITROGEN BE CALCULATED AS IT WAS PRIOR TO CERTAIN RULE AMENDMENTS, 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 50761, which changes the title upon concurrence to read **H.B. 859** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH TRANSITIONAL NUTRIENT OFFSET PAYMENTS AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP AND IMPLEMENT A PLAN TO TRANSITION THE NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM NUTRIENT OFFSET PROGRAM FROM A FEE-BASED PROGRAM TO A PROGRAM BASED ON THE ACTUAL COSTS OF PROVIDING NUTRIENT CREDITS, is adopted and engrossed.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Purcell for the **Health Care Committee**:

S.B. 915, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, ORGANIZATIONAL, AND NONSUBSTANTIVE CHANGES ONLY TO THE LAW REGARDING THE LICENSURE AND INSPECTION OF FACILITIES FOR AGED AND DISABLED INDIVIDUALS FOR PURPOSES OF CLARIFICATION OF THE CURRENT LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55550, which changes the title to read **S.B. 915** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND ORGANIZATIONAL CHANGES TO THE LAW REGARDING THE LICENSURE AND INSPECTION OF FACILITIES FOR AGED AND DISABLED INDIVIDUALS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 818 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE, 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 50758, which changes the title upon concurrence to read **H.B. 818** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS

PERTAINING TO THE PRACTICE OF MEDICINE AND TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF DENTISTRY, 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.

WITHDRAWAL FROM COMMITTEE

H.B. 716 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENHANCING LEGISLATIVE REVIEW OF BUDGET EXECUTION AND ADMINISTRATION BY ESTABLISHING A PERMANENT JOINT LEGISLATIVE BUDGET OVERSIGHT COMMITTEE OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on May 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the 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 measure to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 671 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD.

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 30.

WITHDRAWAL FROM COMMITTEE

S.B. 358, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE BENTONVILLE BATTLEFIELD FUND IN THE DIVISION OF STATE HISTORIC SITES, referred to the **Finance Committee** on July 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Finance Committee** and placed on the Calendar for Friday, July 27, which motion prevails with unanimous consent.

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The Chair orders the bill withdrawn from the **Finance Committee** and places it on the Calendar for Friday, July 27.

H.B. 966 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM AUTHORIZING THE IMPLEMENTATION OF ALTERNATIVE TEACHER SALARY PLANS, referred to the **Appropriations/Base Budget Committee** on July 25.

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 Monday, July 30, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Monday, July 30.

CONFERENCE REPORT

Senator Bingham, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 56** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, EXPAND THE HEALTH CARE PERSONNEL REGISTRY AND AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT RULES ALLOWING THE ISSUANCE OF RATED CERTIFICATES TO ADULT CARE HOMES, 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 56, A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, EXPAND THE HEALTH CARE PERSONNEL REGISTRY AND AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT RULES ALLOWING THE ISSUANCE OF RATED CERTIFICATES TO ADULT CARE HOMES, House Committee Substitute Favorable 7/11/07, submit the following report:

The Senate concurs in the House Committee Substitute.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 25, 2007.

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Conferees for the Senate

S/Stam Bingham, Chair
 S/Doug Berger
 S/Martin L. Nesbitt, Jr.
 S/William R. Purcell

Conferees for the House of Representatives

S/Jennifer Weiss, Chair
 S/Beverly M. Earle
 Alice L. Bordsen
 S/Jean Farmer-Butterfield
 S/Debbie A. Clary
 S/Jeff Barnhart
 S/Bob England, M.D.

The Conference Report which changes the title, is placed on the Calendar for Friday, July 27, for adoption.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee:**

H.B. 802 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE DEPARTMENT OF TRANSPORTATION CONTRACTING AUTHORITY TO PROVIDE FOR TRANSPORTATION INFRASTRUCTURE AND LITTER REMOVAL FROM STATE RIGHTS-OF-WAY, with a favorable report.

CALENDAR (*continued*)

H.B. 943 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE REGISTRAR TO ASSIST COUNTY JURY COMMISSIONS IN UPDATING THEIR LISTS OF PROSPECTIVE JURORS BY PROVIDING A LIST OF RESIDENTS OF EACH COUNTY WHO HAVE DIED RECENTLY; TO REQUIRE THE STATE REGISTRAR TO PROVIDE THE COMMISSIONER OF MOTOR VEHICLES WITH A LIST OF RESIDENTS OF THE STATE WHO HAVE DIED RECENTLY; AND TO EXCLUDE FROM THE LISTS PROVIDED BY THE COMMISSIONER OF MOTOR VEHICLES TO COUNTY JURY COMMISSIONS THE NAMES OF PERSONS WHOSE DRIVERS LICENSES HAVE BEEN EXPIRED FOR AT LEAST EIGHT YEARS AND WHO HAVE BEEN INACTIVE VOTERS FOR AT LEAST EIGHT YEARS.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Friday, July 27.

H.B. 316 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE TO

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ESTABLISH AN OBLIGATION TO PROVIDE NOTICE TO ALL PARTIES TO AN ACTION OF THE ISSUANCE OF A SUBPOENA AND THE RECEIPT OF MATERIAL PRODUCED IN COMPLIANCE WITH THE SUBPOENA, AND TO PROVIDE A REASONABLE OPPORTUNITY TO INSPECT SUCH MATERIAL.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

H.B. 429 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF OCEAN ISLE BEACH, EMERALD ISLE, AND HOLDEN BEACH TO SET CANAL DREDGING FEES BASED ON A PROPERTY OWNER'S FRONTAGE ABUTTING A DREDGING PROJECT, AND TO MODIFY BRUNSWICK COUNTY'S FIRE PROTECTION FEES, upon second reading.

Senator Soles offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, remains on the Calendar for Friday, July 27, upon third reading.

S.B. 220 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ROANOKE RAPIDS AND THE TOWNS OF AHOSKIE, COLUMBUS, AND WELDON, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Jones, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

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S.B. 1492 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF

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PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, upon second reading.

Senator Berger of Rockingham offers Amendment No. 1 which fails of adoption (19-25).

Senator Soles offers Amendment No. 2 which is adopted (38-6).

Without objection, Senator Brunstetter, Senator Hartsell and Senator Swindell request to be excused from voting on the Committee Substitute bill No. 2 due to a conflict of interest.

Senator Goodall announces a pair vote. If Senator Dannelly were present, he would vote "aye"; Senator Goodall votes "no".

Senator Bingham announces a pair vote. If Senator Cowell were present, she would vote "aye"; Senator Bingham votes "no".

The Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 27, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Dalton, Dorsett, Foriest, Garrou, Goss, Hagan, Hoyle, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles and Weinstein---27.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brown, East, Forrester, Hunt, Jacumin, Pittenger, Preston, Smith, Stevens and Tillman---15.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for Friday, July 27, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA INTERNAL AUDIT ACT, referred to the **Rules and Operations of the Senate Committee** on May 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

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INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Rand and Kinnaird:

S.J.R. 1571, A JOINT RESOLUTION HONORING THE MEMORY OF ROBERT RUARK, NOTED NORTH CAROLINA HALL OF FAME AUTHOR AND JOURNALIST.

Referred to the **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Finance Committee**:

H.B. 487, A BILL TO BE ENTITLED AN ACT TO EXEMPT BALER TWINE FROM THE SALES AND USE TAX, with a favorable report.

H.B. 825, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A FEDERALLY REQUIRED MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILIES THAT HAVE NEVER RECEIVED TANF, with a favorable report.

H.B. 1213 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING AUTHORITY TO THE TOWN OF CARY TO REQUIRE DEVELOPERS OF MULTIFAMILY UNITS TO PROVIDE FUNDS FOR RECREATIONAL LAND TO SERVE MULTIFAMILY DEVELOPMENTS, with a favorable report.

H.B. 1217, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF NAVASSA TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, with a favorable report.

H.B. 1231 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO WAIVE THE REQUIREMENT TO OBTAIN A CONCEALED HANDGUN PERMIT TO CARRY A CONCEALED HANDGUN FOR CERTAIN PERSONS AUTHORIZED BY FEDERAL LAW TO CARRY CONCEALED HANDGUNS AND FOR CERTAIN FEDERAL AND STATE RETIRED LAW ENFORCEMENT OFFICERS, AND TO EXEMPT ARMED ARMORED CAR SERVICE GUARDS AND ARMED SECURITY GUARDS WHILE PERFORMING DUTIES FROM PROHIBITIONS ON CARRYING WEAPONS ON CERTAIN EDUCATIONAL PROPERTY, with a favorable report.

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H.B. 1659 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL HISTORY RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF PUBLIC INSTRUCTION, with a favorable report.

H.B. 265 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL AND TO FUND THE NORTH CAROLINA HEALTH INSURANCE RISK POOL FROM SAVINGS TO THE GENERAL FUND REALIZED FROM THE REPEAL OF THE TAX CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH BENEFITS AND FROM OTHER SOURCES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill, as amended, is re-referred to the **Appropriations/Base Budget Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1294 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES.

Pursuant to the message from the House of Representatives received July 23 that the House fails to concur in the Senate Committee Substitute bill for H.B. 1294 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Purcell, Chair, and Senator Forrester 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 McKissick requests to be added as a sponsor of previously introduced legislation:

S.B. 1492, A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) SPECIFY TECHNICAL REQUIREMENTS FOR SOLID WASTE CONTAINERS; (3) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE; (4) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (5) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE

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MANAGEMENT FACILITY; (6) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL RESPONSIBILITY SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (7) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (8) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT FINANCIAL OR EQUITY INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT AN ENVIRONMENTAL IMPACT STUDY AND TRAFFIC STUDY; (11) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (12) AUTHORIZE CERTAIN UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (13) PROVIDE FOR STATE-LEVEL REVIEW OF PROPOSED MULTI-JURISDICTIONAL SOLID WASTE MANAGEMENT FACILITIES; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL FEE TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF ORPHAN LANDFILLS AND OTHER CONTAMINATED SITES; AND (16) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.

Upon motion of Senator Basnight, seconded by Senator Apodaca, the Senate adjourns with bills remaining on the Calendar as unfinished business, subject to reading of messages from the House of Representatives, messages from the Governor, receipt of committee reports, conference reports, appointment of conferees and referrals and re-referrals of bills, to meet Friday, July 27, at 12:00 Noon.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

July 26, 2007

H.B. 1587 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO STUDY LOCAL GOVERNMENT OWNED AND OPERATED COMMUNICATIONS SERVICES.

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
July 26, 2007

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. 922** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION AND TO CHANGE THE TIME WHEN THE MEMBERS OF THE HYDE COUNTY BOARD OF EDUCATION TAKE OFFICE.

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 26, 2007

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. 56** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, EXPAND THE HEALTH CARE PERSONNEL REGISTRY AND AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT RULES ALLOWING THE ISSUANCE OF RATED CERTIFICATES TO ADULT CARE HOMES.

July 26, 2007

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

MESSAGE FROM THE GOVERNOR

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER·RALEIGH, NC 27699-0301**

MICHAEL F. EASLEY
GOVERNOR

July 25, 2007

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to G.S. § 135-6, I hereby submit to you the name of Mr. Nathan Freer for consideration to the North Carolina Teachers' and State Employees' Retirement System Board of Trustees. His term is effective immediately pending confirmation by the North Carolina Senate and will expire on March 31, 2008.

Enclosed is a copy of Mr. Freer's biographical information. If further information is needed or desired, please feel free to call on him or contact Sara A. Kusan, Director of Boards and Commissions, at (919) 715-0966.

With kindest regards, I remain

Very truly yours,
S/Michael F. Easley

MFE: as
Enclosures

cc: The Honorable Beverly Perdue
The Honorable Marc Basnight

July 26, 2007

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

H.B. 1094, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PUNISHMENTS FOR UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE, with a favorable report.

H.B. 1537, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE LAWS ON DRIVING WHILE INTOXICATED, 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 80486, which changes the title upon concurrence to read **H.B. 1537** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEDICAID ESTATE RECOVERY LAW; TO AMEND THE LAW RESPECTING DATA SHARING BY HEALTH INSURERS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE; AND TO ENACT A PROCEDURE FOR THE WAIVER OF THE MEDICAID TRANSFER OF ASSETS PENALTY DUE TO UNDUE HARDSHIP, is adopted and engrossed.

H.B. 1148, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO RELEASE THE IDENTIFICATION OF JUVENILES WHO ESCAPE THE CUSTODY OF THE DEPARTMENT, 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 60401, which changes the title upon concurrence to read **H.B. 1148** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO RELEASE THE IDENTIFICATION OF CERTAIN JUVENILES WHO ESCAPE FROM CUSTODY, is adopted and engrossed.

H.B. 1384, A BILL TO BE ENTITLED AN ACT TO REPEAL THE STATUTORY RULE AGAINST PERPETUITIES AND CODIFY THE LAW REGARDING THE POWER OF ALIENATION FOR TRUSTS CREATED IN NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80487, which changes the title upon concurrence to read **H.B. 1384** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE STATUTORY RULE AGAINST PERPETUITIES AS IT APPLIES TO

TRUSTS CREATED OR ADMINISTERED IN THIS STATE AND CODIFY THE LAW REGARDING THE POWER OF ALIENATION FOR TRUSTS CREATED IN NORTH CAROLINA, is adopted and engrossed.

H.B. 1374 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO OVERTURN THE SHEPARD CASE AND AMEND THE LIMITATION REGARDING ACTIONS TO RECOVER FOR USURY; TO OVERTURN THE SKINNER CASE AND AMEND THE LONG-ARM STATUTE TO ALLOW NORTH CAROLINA COURTS TO EXERCISE PERSONAL JURISDICTION OVER CERTAIN NONRESIDENT DEFENDANTS; TO REQUIRE THAT A NOTICE OF FORECLOSURE CONTAIN CERTAIN INFORMATION; AND TO MAKE OTHER AMENDMENTS TO THE LAW GOVERNING HOME LOANS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70605, which changes the title upon concurrence to read **H.B. 1374** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO OVERTURN THE SHEPARD CASE AND AMEND THE LIMITATION REGARDING ACTIONS TO RECOVER FOR USURY; TO OVERTURN THE SKINNER CASE AND AMEND THE LONG-ARM STATUTE TO ALLOW NORTH CAROLINA COURTS TO EXERCISE PERSONAL JURISDICTION OVER CERTAIN NONRESIDENT DEFENDANTS; TO REQUIRE THAT A NOTICE OF FORECLOSURE CONTAIN CERTAIN INFORMATION; AND TO PROVIDE FOR MORTGAGE DEBT COLLECTION AND SERVICING, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

H.B. 291, A BILL TO BE ENTITLED AN ACT PROVIDING FOR HOW THE STATE TREASURER SHALL ADDRESS CERTAIN STATE INVESTMENTS RELATING TO SUDAN, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

S.B. 609, A BILL TO BE ENTITLED AN ACT TO ALLOW CHATHAM COUNTY TO USE RECREATION FUNDS RECEIVED FROM SUBDIVISION DEVELOPERS TO CONSTRUCT AND ACQUIRE RECREATIONAL FACILITIES IN CHATHAM 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 55554, is adopted and engrossed.

S.B. 684, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FUNDING FOR THE STATEWIDE SPAY AND NEUTER PROGRAM FROM THE SALE OF RABIES VACCINATION TAGS, 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 55557, is adopted and engrossed.

S.B. 646 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH WORKING WATERFRONTS AS A SPECIAL CLASS OF PROPERTY SUBJECT TO PRESENT-USE VALUE; TO ESTABLISH THE ADVISORY COMMITTEE FOR THE COORDINATION OF WATERFRONT ACCESS; TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO MAKE EXPANDED PUBLIC ACCESS TO COASTAL WATERS A PRIORITY IN ITS ROAD PROJECT PLANNING AND CONSTRUCTION PROGRAMS; TO INCREASE FEES FOR VESSEL TITLING; TO PROVIDE THAT FEES ASSOCIATED WITH AN EMERGENCY COASTAL AREA MANAGEMENT ACT PERMIT SHALL BE WAIVED; AND TO DIRECT THE DIVISION OF EMERGENCY MANAGEMENT TO STUDY CONSTRUCTION AND REPAIR IN REGULATED FLOOD ZONES, AS RECOMMENDED BY THE WATERFRONT ACCESS STUDY COMMITTEE, 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, 55556, which changes the title to read **S.B. 646** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX RELIEF FOR WORKING WATERFRONT PROPERTY, TO ESTABLISH THE ADVISORY COMMITTEE FOR THE COORDINATION OF WATERFRONT ACCESS, TO MAKE EXPANDED PUBLIC ACCESS TO COASTAL WATERS A PRIORITY IN PLANNING STATE ROAD PROJECTS, TO INCREASE FEES FOR VESSEL TITLING; TO WAIVE PERMIT FEES FOR EMERGENCY COASTAL AREA MANAGEMENT ACT PERMITS, AND TO DIRECT A STUDY OF CONSTRUCTION AND REPAIR IN REGULATED FLOOD ZONES, AS RECOMMENDED BY THE WATERFRONT ACCESS STUDY COMMITTEE, is adopted and engrossed.

S.B. 1314 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA MASSAGE AND BODYWORK THERAPY PRACTICE ACT TO EXPAND THE EXISTING LAWS REGULATING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO AUTHORIZE THE BOARD TO ESTABLISH FEES FOR LICENSING MASSAGE AND BODYWORK THERAPY SCHOOLS; AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE TO PRACTICE MASSAGE AND BODYWORK THERAPY, 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, 15131, which changes the title to read **S.B. 1314** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE

NORTH CAROLINA MASSAGE AND BODYWORK THERAPY PRACTICE ACT TO EXPAND THE EXISTING LAWS REGULATING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO AUTHORIZE THE BOARD TO ESTABLISH FEES FOR LICENSING MASSAGE AND BODYWORK THERAPY SCHOOLS; AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE TO PRACTICE MASSAGE AND BODYWORK THERAPY, is adopted and engrossed.

S.B. 1513 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO PARTICIPATE IN FINANCING IMPROVEMENTS TO PUBLIC STREETS, HIGHWAYS, AND BRIDGES, 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, 35422, which changes the title to read **S.B. 1513** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO PARTICIPATE IN FINANCING IMPROVEMENTS TO PUBLIC STREETS, HIGHWAYS, AND BRIDGES; AND TO ALLOW MUNICIPALITIES THAT RECEIVE AN ALLOCATION OF FUNDS FROM THE HIGHWAY FUND AND THE HIGHWAY TRUST FUND WITH MONIES FOR REPAIR, MAINTENANCE, CONSTRUCTION, RECONSTRUCTION, WIDENING, OR IMPROVING STREETS OF THE MUNICIPALITY AN OPTION TO ELECT TO CONTINUE TO RECEIVE ALLOCATIONS OR HAVE THE ALLOCATION REPROGRAMMED TO FUND ANY PROJECT ON THE DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION IMPROVEMENT LIST, is adopted and engrossed.

H.B. 1322 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING LOCAL FIRE CHIEFS, COUNTY FIRE MARSHALS, AND LOCAL EMERGENCY SERVICES DIRECTORS WITH THE AUTHORITY TO REQUEST CRIMINAL HISTORIES FROM THE DEPARTMENT OF JUSTICE FOR APPLICANTS TO FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES IN UNITS OF LOCAL GOVERNMENT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80489, is adopted and engrossed.

H.B. 820, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN NATURAL RESOURCES LAWS TO CLARIFY THAT DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30525, which changes the title upon concurrence to read **H.B. 820** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN, is adopted and engrossed.

S.B. 864 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, AND TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS, 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 65278, which changes the title to read **S.B. 864** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS, TO REPEAL THE SALES AND USE TAX EXEMPTION FOR NUTRITIONAL SUPPLEMENTS SOLD BY A CHIROPRACTOR, AND TO AMEND THE PERFUSIONIST LICENSURE ACT, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 9:04 P.M.

ONE HUNDRED SIXTH DAY

Senate Chamber
Friday, July 27, 2007

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 Steve Sumerel, First Baptist Church, Raleigh, North Carolina as follows:

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"Eternal God, we read in so many sacred texts the powerful stories of journeys, journeys through the desert, pilgrimages to holy ground, walks of faith and struggle. As fellow travelers, we will almost always disagree over which path will lead us best to our common goals. But when tragedy comes, as it did with the passing of our beloved Coach Prosser, we speak in one voice as we offer a prayer for peace and condolence to a hurting family and community. The faithful servants assembled in this Chamber have traveled a long journey that will soon, we pray, come to its destination. May you provide for them stamina and vision and, when they need it, a second wind that in these final days of deliberation, they may choose well among the many paths before them. This we humbly pray. Amen."

The Chair grants leaves of absence for today to Senator Dannelly, Senator Forrester, Senator Graham, Senator Jacumin, Senator Jenkins, Senator Smith and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 454, AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING THE TAKING OF A PHOTOGRAPH OF A PERSON WHO IS CITED FOR A MOTOR VEHICLE MOVING VIOLATION, WHO DOES NOT PRODUCE A VALID DRIVERS LICENSE UPON THE REQUEST OF A LAW ENFORCEMENT OFFICER, AND WHERE THE LAW ENFORCEMENT OFFICER HAS A REASONABLE SUSPICION REGARDING THE TRUE IDENTITY OF THE PERSON, AND TO PROVIDE A CAUSE OF ACTION FOR A PERSON WHOSE IDENTIFYING INFORMATION IS PUBLISHED OVER OBJECTION.

H.B. 773, AN ACT TO PROTECT MEMBERS OF THE UNITED STATES ARMED FORCES FROM DISHONEST AND PREDATORY LIFE INSURANCE AND ANNUITY SALES PRACTICES.

H.B. 810, AN ACT TO: (1) CLARIFY THE TRAINING AND QUALIFICATION REQUIREMENTS APPLICABLE TO ANIMAL WASTE MANAGEMENT TECHNICAL SPECIALISTS IN THE PROVISION OF SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT SYSTEM, AS RECOMMENDED BY

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THE ENVIRONMENTAL REVIEW COMMISSION; (2) EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS; AND (3) CLARIFY THE APPLICABILITY OF THE WATER QUALITY ENFORCEMENT PROVISIONS IN ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES.

H.B. 1372, AN ACT TO ENACT THE REVISED UNIFORM ANATOMICAL GIFT ACT; TO PROVIDE THAT THE DECISION TO HAVE THE HEART SYMBOL ON ONE'S DRIVERS LICENSE IS LEGALLY SUFFICIENT CONSENT TO ORGAN DONATION UNLESS REVOKED BY THE DONOR; TO IMPROVE DONOR OR PROSPECTIVE DONOR ONLINE ACCESS TO INDICATE OR REVOKE ORGAN AND TISSUE DONATION; AND TO MAKE CONFORMING CHANGES TO OTHER AFFECTED GENERAL STATUTES.

H.B. 1529, AN ACT TO ESTABLISH THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES' HEALTH BENEFITS.

H.B. 1755, AN ACT TO MODERNIZE AND IMPROVE THE ADMINISTRATION OF THE STATE'S 911 SYSTEM THROUGH A STATEWIDE 911 BOARD, BY ENSURING THAT ALL VOICE SERVICES CONTRIBUTE TO THE 911 SYSTEM AND BY PROVIDING PARITY IN THE QUALITY OF SERVICE AND THE LEVEL OF 911 CHARGES ACROSS VOICE COMMUNICATIONS SERVICE PROVIDERS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 335, AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED THROUGH A SPECIAL ELECTION PROCESS IN SOME CIRCUMSTANCES.

S.B. 381, AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF CHADBURN.

H.B. 922, AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION AND TO CHANGE THE TIME WHEN THE MEMBERS OF THE HYDE COUNTY BOARD OF EDUCATION TAKE OFFICE.

H.B. 1176, AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE STATE RIGHT-OF-WAY IN TYRRELL COUNTY.

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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. 78, AN ACT TO AUTHORIZE BURKE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES. (Became law upon ratification, July 26, 2007 - S.L. 2007-265.)

H.B. 555, AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE GREATER FLEXIBILITY IN THE PAYMENT OF SPECIAL ASSESSMENTS AND THE COLLECTION OF DELINQUENT SPECIAL ASSESSMENT PAYMENTS, AND TO ALLOW THE CITY OF ROANOKE RAPIDS TO ASSESS BENEFITED PROPERTIES FOR MAINTENANCE OF PARKING LOTS. (Became law upon ratification, July 26, 2007 - S.L. 2007-266.)

H.B. 1191, AN ACT TO INCORPORATE THE TOWN OF EASTOVER. (Became law upon ratification, July 26, 2007 - S.L. 2007-267.)

CALENDAR

Bills on today's Calendar as unfinished business from July 26 and as general orders for today are taken up and disposed of, as follows:

H.B. 291, A BILL TO BE ENTITLED AN ACT PROVIDING FOR HOW THE STATE TREASURER SHALL ADDRESS CERTAIN STATE INVESTMENTS RELATING TO SUDAN.

Upon motion of Senator Shaw, the Chair orders, without objection, the bill temporarily displaced.

The Chair grants a leave of absence for the remainder of today's session to Senator Shaw.

H.B. 862 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANT PROTECTION AND CONSERVATION ACT, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jones, Kinnaird, Malone,

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McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Snow, Soles, Stevens, Swindell and Tillman---40.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for Saturday, July 28, upon third reading.

S.B. 1485 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING EDUCATION REQUIREMENTS FOR REAL ESTATE APPRAISERS UNDER THE NORTH CAROLINA APPRAISERS ACT, ELIMINATING THE CATEGORY OF LICENSED RESIDENTIAL REAL ESTATE APPRAISER, AND AUTHORIZING THE NORTH CAROLINA APPRAISAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES.

The Committee Substitute bill No. 2 passes its second (41-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 358, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE BENTONVILLE BATTLEFIELD FUND IN THE DIVISION OF STATE HISTORIC SITES.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 30.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 1214 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS, with a favorable report.

H.B. 177 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGE BOARDS TO SECURE LOANS UNDER THE ENERGY IMPROVEMENT LOAN PROGRAM, with a favorable report.

H.B. 1259, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE PASS-THROUGH ENTITY ALLOCATION PROVISIONS OF THE HISTORIC REHABILITATION TAX CREDIT, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 573, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A

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CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES, with a favorable report.

H.B. 38 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PUBLIC ALERT TO BE ISSUED WHEN A PERSON WITH DEMENTIA OR OTHER COGNITIVE IMPAIRMENT IS REPORTED MISSING, TO INCLUDE CAREGIVERS AMONG THOSE WHO CAN REPORT AN INDIVIDUAL MISSING, AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE PROVISIONS CONCERNING THE NORTH CAROLINA CENTER FOR MISSING PERSONS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60402, which changes the title upon concurrence to read **H.B. 38** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PUBLIC ALERT TO BE ISSUED WHEN A PERSON WITH DEMENTIA OR OTHER COGNITIVE IMPAIRMENT IS REPORTED MISSING, TO INCLUDE CAREGIVERS AMONG THOSE WHO CAN REPORT AN INDIVIDUAL MISSING, TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE PROVISIONS CONCERNING THE NORTH CAROLINA CENTER FOR MISSING PERSONS, AND TO EXEMPT EMS WORKERS LOCATING MISSING PERSONS FROM THE PRIVATE PROTECTIVE SERVICES ACT, is adopted and engrossed.

H.B. 634 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO RENUNCIATIONS, 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 10272, which changes the title upon concurrence to read **H.B. 634** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO MAKE ADVANCE DIRECTIVES AND TO DESIGNATE HEALTH CARE AGENTS; AND TO IMPROVE AND SIMPLIFY THE MEANS OF MAKING THESE DIRECTIVES AND DESIGNATIONS, 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.

The Senate recesses at 12:20 P.M. for the purpose of an Education/Public Instruction Committee meeting to reconvene at 12:25 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

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The Chair grants a leave of absence for the remainder of today's session to Senator Berger of Franklin.

CALENDAR *(continued)*

H.B. 535 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL BACKGROUND REVIEWS FOR CURRENT AND FUTURE EMS PERSONNEL.

The Senate Committee Substitute bill No. 2 passes its second (38-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 536, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT NEW STANDARDS FOR SCHOOL ADMINISTRATOR PREPARATION PROGRAMS.

The bill passes its second (38-0) and third readings and is ordered enrolled and sent to the Governor by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 89 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS ON PROPERTY OWNED, LEASED, OR OCCUPIED BY THE TOWN, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10271, which changes the title upon concurrence to read **H.B. 89** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO LIMITATIONS ON CONSTRUCTION IN THE TOWN OF OAK ISLAND, is adopted and engrossed.

S.B. 1435, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF FUNERAL SERVICE, MUTUAL BURIAL ASSOCIATIONS, PRENEED FUNERAL FUNDS, AND CREMATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75450, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Finance Committee**.

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CALENDAR *(continued)*

H.B. 627 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO AND STRENGTHEN THE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES SYSTEM WITH RESPECT TO: THE FIRST COMMITMENT PILOT PROGRAM; LME FUNCTIONS, ADMINISTRATION, AND BOARD MEMBERSHIP; THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES RULE-MAKING AUTHORITY AND PROFESSIONAL STAFFING; THE QUALITY AND ACCESS OF MENTAL HEALTH SERVICES; AND REQUIREMENTS PERTAINING TO LME BUSINESS PLANS.

The Senate Committee Substitute bill passes its second reading (41-0).

Senator Brown objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Saturday, July 28, upon third reading.

H.B. 818 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE AND TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF DENTISTRY.

Senator Purcell offers Amendment No. 1 which is adopted (41-0).

Senator Berger of Rockingham offers Amendment No. 2.

Upon motion of Senator Rand, the Senate Committee Substitute bill, as amended, is withdrawn from today's Calendar and is re-referred to the **Health Care Committee** with Amendment No. 2 pending.

H.B. 851 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EDUCATIONAL REQUIREMENT FOR THE TEACHER ASSISTANT SCHOLARSHIP FUND.

The Senate Committee Substitute bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Malone for the **Education/Public Instruction Committee**:

H.B. 1308, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR LIFETIME CERTIFICATION FOR TEACHERS AFTER FIFTY YEARS OF TEACHING, with a favorable report.

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By Senator Hoyle for the **Finance Committee**:

H.B. 562, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS, with a favorable report.

CALENDAR (*continued*)

H.B. 947 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A NOTICE OF SALE IN FORECLOSURE PROCEEDINGS BE SENT TO CERTAIN TENANTS RESIDING IN THE PROPERTY TO BE SOLD, TO ALLOW THOSE TENANTS AFTER RECEIVING THE NOTICE TO TERMINATE THE RENTAL AGREEMENT UPON TEN DAYS' WRITTEN NOTICE TO THE LANDLORD, TO REQUIRE THAT THOSE TENANTS BE GIVEN THIRTY DAYS' NOTICE OF AN APPLICATION FOR AN ORDER FOR POSSESSION, AND TO CLARIFY THAT THE PROCEEDS IN THE AUTOMATION ENHANCEMENT AND PRESERVATION FUND MAY BE USED FOR THE PRESERVATION AND STORAGE OF PUBLIC RECORDS.

Senator Hartsell offers Amendment No. 1 which is adopted (41-0).

The Senate Committee Substitute bill, as amended, passes its second reading (34-6).

Senator Hoyle objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Saturday, July 28, upon third reading.

H.B. 1328 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON CONVICTED OF A SEX OFFENSE WHO IS PURSUING CHILD CUSTODY EX PARTE TO DISCLOSE THE CONVICTION IN THE PLEADINGS.

The Senate Committee Substitute bill passes its second (41-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1060 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OF THE STATE.

Upon the appearance of Senator Shaw in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Senator McKissick offers Amendment No. 2 which is adopted (28-14), and changes the title upon concurrence to read **H.B. 1060** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND

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COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS WITHIN OR OUTSIDE OF THE STATE, NONPROFIT ORGANIZATIONS, OR OFFICIALLY ADOPTED SISTER CITIES.

The Committee Substitute bill, as amended, passes its third reading (32-10) and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 2.

S.B. 1303 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MOUNTAIN HERITAGE TROUT WATERS THREE-DAY FISHING LICENSE AND TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ADOPT RULES TO ESTABLISH AND IMPLEMENT A MOUNTAIN HERITAGE TROUT WATERS PROGRAM, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Queen, the Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Tillman---42.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 692 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOXING ADVISORY COMMISSION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, 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.

S.B. 882 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INDUSTRIAL COMMISSION TO EMPLOY SWORN LAW ENFORCEMENT OFFICERS TO PERFORM FRAUD INVESTIGATIONS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (42-0) and the bill is ordered enrolled and sent to the Governor by special message.

WITHDRAWAL FROM CALENDAR

H.B. 627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE FIRST COMMITMENT PILOT PROGRAM, TO FURTHER

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CLARIFY LME CORE FUNCTIONS, AND TO ALLOW ADDITIONAL TIME FOR AN LME TO MERGE WHEN IT HAS GONE BELOW THE TWO HUNDRED THOUSAND POPULATION OR SIX COUNTY THRESHOLD DUE TO A CHANGE IN COUNTY MEMBERSHIP AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES; AND TO ALLOW AREA AUTHORITIES WITH EIGHT OR MORE COUNTIES TO HAVE UP TO THIRTY MEMBERS ON THE BOARD, placed on the Calendar for tomorrow, Saturday, July 28.

Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Saturday, July 28, 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 Saturday, July 28, and places it on today's Calendar.

H.B. 429 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF OCEAN ISLE BEACH, EMERALD ISLE, AND HOLDEN BEACH TO SET CANAL DREDGING FEES BASED ON A PROPERTY OWNER'S FRONTAGE ABUTTING A DREDGING PROJECT, AND TO MODIFY BRUNSWICK COUNTY'S FIRE PROTECTION FEES, as amended on second reading, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Tillman---42.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 1213 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING AUTHORITY TO THE TOWN OF CARY TO REQUIRE DEVELOPERS OF MULTIFAMILY UNITS TO PROVIDE FUNDS FOR RECREATIONAL LAND TO SERVE MULTIFAMILY DEVELOPMENTS, upon second reading.

Without objection, Senator Brunstetter requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown,

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Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Tillman---41.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Saturday, July 28, upon third reading.

Upon the appearance of Senator Berger of Franklin in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CHATHAM COUNTY TO USE RECREATION FUNDS RECEIVED FROM SUBDIVISION DEVELOPERS TO CONSTRUCT AND ACQUIRE RECREATIONAL FACILITIES IN CHATHAM COUNTY.

The Committee Substitute bill passes its second (42-1) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 1217, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF NAVASSA TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

The bill passes its second (42-1) and third readings and is ordered enrolled.

S.B. 220 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ROANOKE RAPIDS AND THE TOWNS OF AHOSKIE, COLUMBUS, AND WELDON, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Jones, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Tillman---43.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 1492 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE; (3) INCREASE THE PENALTIES THAT MAY

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BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT

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LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, as amended on second reading, upon third reading.

Senator Goodall offers Amendment No. 3 which is adopted (40-0).

Senator Cowell offers Amendment No. 4 which is adopted (40-0).

Senator Goodall announces a pair vote. If Senator Dannelly were present, he would vote "aye"; Senator Goodall votes "no".

Senator East announces a pair vote. If Senator Graham were present, he would vote "aye"; Senator East votes "no".

Senator Stevens announces a pair vote. If Senator Jenkins were present, he would vote "aye"; Senator Stevens votes "no".

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 26, noes 11, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dorsett, Foriest, Garrou, Goss, Hagan, Hoyle, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow and Soles---26.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Hunt, Pittenger, Preston and Tillman---11.

The Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives by special message.

S.B. 684 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FUNDING FOR THE STATEWIDE SPAY AND NEUTER PROGRAM FROM THE SALE OF RABIES VACCINATION TAGS, upon second reading.

Senator Kinnaird offers Amendment No. 1 which is adopted (42-0).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Tillman---42.

Voting in the negative: Senator Brock---1.

The Committee Substitute bill, as amended, remains on the Calendar for Saturday, July 28, upon third reading.

S.B. 864 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE

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CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS, TO REPEAL THE SALES AND USE TAX EXEMPTION FOR NUTRITIONAL SUPPLEMENTS SOLD BY A CHIROPRACTOR, AND TO AMEND THE PERFUSIONIST LICENSURE ACT, upon second reading.

Senator Purcell offers Amendment No. 1 which is adopted (43-0).

Senator Purcell offers Amendment No. 2 which is adopted (43-0), and changes the title to read **S.B. 864** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS, TO REPEAL THE SALES AND USE TAX EXEMPTION FOR NUTRITIONAL SUPPLEMENTS SOLD BY A CHIROPRACTOR, AND TO AMEND THE PERFUSIONIST LICENSURE ACT, AND TO MAKE CHANGES TO THE APPOINTING PROCESS FOR THE NORTH CAROLINA STATE BOARD OF OPTICIANS.

The Committee Substitute bill No. 2, as amended, passes its second 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Tillman---43.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for Saturday, July 28, upon third reading.

H.B. 825, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A FEDERALLY REQUIRED MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILIES THAT HAVE NEVER RECEIVED TANF, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr,

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Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Tillman---43.

Voting in the negative: None.

The bill remains on the Calendar for Saturday, July 28, upon third reading.

H.B. 1231 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO WAIVE THE REQUIREMENT TO OBTAIN A CONCEALED HANDGUN PERMIT TO CARRY A CONCEALED HANDGUN FOR CERTAIN PERSONS AUTHORIZED BY FEDERAL LAW TO CARRY CONCEALED HANDGUNS AND FOR CERTAIN FEDERAL AND STATE RETIRED LAW ENFORCEMENT OFFICERS, AND TO EXEMPT ARMED ARMORED CAR SERVICE GUARDS AND ARMED SECURITY GUARDS WHILE PERFORMING DUTIES FROM PROHIBITIONS ON CARRYING WEAPONS ON CERTAIN EDUCATIONAL PROPERTY, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, East, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Tillman--41.

Voting in the negative: Senators Dorsett and Kinnaird--2.

The Senate Committee Substitute bill remains on the Calendar for Saturday, July 28, upon third reading.

H.B. 1659 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL HISTORY RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF PUBLIC INSTRUCTION, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Tillman---43.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Saturday, July 28, upon third reading.

S.B. 646 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX RELIEF FOR WORKING WATERFRONT PROPERTY, TO ESTABLISH THE ADVISORY

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COMMITTEE FOR THE COORDINATION OF WATERFRONT ACCESS, TO MAKE EXPANDED PUBLIC ACCESS TO COASTAL WATERS A PRIORITY IN PLANNING STATE ROAD PROJECTS, TO INCREASE FEES FOR VESSEL TITLING; TO WAIVE PERMIT FEES FOR EMERGENCY COASTAL AREA MANAGEMENT ACT PERMITS, AND TO DIRECT A STUDY OF CONSTRUCTION AND REPAIR IN REGULATED FLOOD ZONES, AS RECOMMENDED BY THE WATERFRONT ACCESS STUDY COMMITTEE.

The Committee Substitute bill No. 2 passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 627 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO AND STRENGTHEN THE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES SYSTEM WITH RESPECT TO: THE FIRST COMMITMENT PILOT PROGRAM; LME FUNCTIONS, ADMINISTRATION, AND BOARD MEMBERSHIP; THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES RULE-MAKING AUTHORITY AND PROFESSIONAL STAFFING; THE QUALITY AND ACCESS OF MENTAL HEALTH SERVICES; AND REQUIREMENTS PERTAINING TO LME BUSINESS PLANS, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its third reading (43-0) and is ordered sent to the House of Representatives by special message for concurrence.

S.B. 1314 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA MASSAGE AND BODYWORK THERAPY PRACTICE ACT TO EXPAND THE EXISTING LAWS REGULATING MASSAGE AND BODYWORK THERAPY SCHOOLS; TO AUTHORIZE THE BOARD TO ESTABLISH FEES FOR LICENSING MASSAGE AND BODYWORK THERAPY SCHOOLS; AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE TO PRACTICE MASSAGE AND BODYWORK THERAPY.

The Committee Substitute bill No. 2 passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1513 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO PARTICIPATE IN FINANCING IMPROVEMENTS TO PUBLIC STREETS, HIGHWAYS, AND BRIDGES; AND TO ALLOW MUNICIPALITIES THAT RECEIVE AN ALLOCATION OF FUNDS FROM THE HIGHWAY FUND AND THE HIGHWAY TRUST FUND WITH MONIES FOR REPAIR, MAINTENANCE, CONSTRUCTION, RECONSTRUCTION, WIDENING, OR IMPROVING STREETS OF THE

MUNICIPALITY AN OPTION TO ELECT TO CONTINUE TO RECEIVE ALLOCATIONS OR HAVE THE ALLOCATION REPROGRAMMED TO FUND ANY PROJECT ON THE DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION IMPROVEMENT LIST.

The Committee Substitute bill No. 2 passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 487, A BILL TO BE ENTITLED AN ACT TO EXEMPT BALER TWINE FROM THE SALES AND USE TAX.

The bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 802 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE DEPARTMENT OF TRANSPORTATION CONTRACTING AUTHORITY TO PROVIDE FOR TRANSPORTATION INFRASTRUCTURE AND LITTER REMOVAL FROM STATE RIGHTS-OF-WAY.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Saturday, July 28.

H.B. 943 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE REGISTRAR TO ASSIST COUNTY JURY COMMISSIONS IN UPDATING THEIR LISTS OF PROSPECTIVE JURORS BY PROVIDING A LIST OF RESIDENTS OF EACH COUNTY WHO HAVE DIED RECENTLY; TO REQUIRE THE STATE REGISTRAR TO PROVIDE THE COMMISSIONER OF MOTOR VEHICLES WITH A LIST OF RESIDENTS OF THE STATE WHO HAVE DIED RECENTLY; AND TO EXCLUDE FROM THE LISTS PROVIDED BY THE COMMISSIONER OF MOTOR VEHICLES TO COUNTY JURY COMMISSIONS THE NAMES OF PERSONS WHOSE DRIVERS LICENSES HAVE BEEN EXPIRED FOR AT LEAST EIGHT YEARS AND WHO HAVE BEEN INACTIVE VOTERS FOR AT LEAST EIGHT YEARS.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Saturday, July 28.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

S.B. 657, A BILL TO BE ENTITLED AN ACT TO ENACT THE OMNIBUS CIVIL RIGHTS ACT, 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 15133, which changes the title to read **S.B. 657** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE LEGISLATIVE STUDY COMMISSION ON STATE CIVIL RIGHTS ENFORCEMENT, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

CALENDAR (*continued*)

H.B. 291, A BILL TO BE ENTITLED AN ACT PROVIDING FOR HOW THE STATE TREASURER SHALL ADDRESS CERTAIN STATE INVESTMENTS RELATING TO SUDAN, as amended by the Finance Committee on July 26, temporarily displaced earlier today.

The bill, as amended, passes its second (43-0) and third readings and is ordered sent to the House of Representative by special message for concurrence in Senate Amendment No. 1.

H.B. 820 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN.

Senator Clodfelter offers Amendment No. 1 which is adopted (43-0).

Senator Swindell offers Amendment No. 2 which is adopted (43-0).

The Senate Committee Substitute bill, as amended, passes its second (38-5) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 1094, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PUNISHMENTS FOR UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

The bill passes its second reading (35-7).

Senator Dalton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Saturday, July 28, upon third reading.

H.B. 1148 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO RELEASE THE IDENTIFICATION OF CERTAIN JUVENILES WHO ESCAPE FROM CUSTODY.

The Senate Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

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H.B. 1322 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING LOCAL FIRE CHIEFS, COUNTY FIRE MARSHALS, AND LOCAL EMERGENCY SERVICES DIRECTORS WITH THE AUTHORITY TO REQUEST CRIMINAL HISTORIES FROM THE DEPARTMENT OF JUSTICE FOR APPLICANTS TO FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES IN UNITS OF LOCAL GOVERNMENT.

The Senate Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1374 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO OVERTURN THE SHEPARD CASE AND AMEND THE LIMITATION REGARDING ACTIONS TO RECOVER FOR USURY; TO OVERTURN THE SKINNER CASE AND AMEND THE LONG-ARM STATUTE TO ALLOW NORTH CAROLINA COURTS TO EXERCISE PERSONAL JURISDICTION OVER CERTAIN NONRESIDENT DEFENDANTS; TO REQUIRE THAT A NOTICE OF FORECLOSURE CONTAIN CERTAIN INFORMATION; AND TO PROVIDE FOR MORTGAGE DEBT COLLECTION AND SERVICING.

Senator Nesbitt offers Amendment No. 1 which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 1384 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE STATUTORY RULE AGAINST PERPETUITIES AS IT APPLIES TO TRUSTS CREATED OR ADMINISTERED IN THIS STATE AND CODIFY THE LAW REGARDING THE POWER OF ALIENATION FOR TRUSTS CREATED IN NORTH CAROLINA.

The Senate Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1537 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEDICAID ESTATE RECOVERY LAW; TO AMEND THE LAW RESPECTING DATA SHARING BY HEALTH INSURERS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE; AND TO ENACT A PROCEDURE FOR THE WAIVER OF THE MEDICAID TRANSFER OF ASSETS PENALTY DUE TO UNDUE HARDSHIP.

The Senate Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

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H.B. 1912 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE FUNDS FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO RETROFIT SCHOOL BUSES IN ORDER TO REDUCE DIESEL EMISSIONS FROM CERTAIN DIESEL SCHOOL BUSES REGISTERED IN COUNTIES LOCATED IN AREAS DESIGNATED AS NONATTAINMENT OR MAINTENANCE FOR OZONE OR PARTICULATE MATTER.

The Committee Substitute bill No. 2 passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor by special message.

S.B. 56 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, EXPAND THE HEALTH CARE PERSONNEL REGISTRY AND AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT RULES ALLOWING THE ISSUANCE OF RATED CERTIFICATES TO ADULT CARE HOMES, for adoption.

Upon motion of Senator Bingham, the Conference Report is adopted (43-0).

Pursuant to a message received on July 26 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.

H.B. 634 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO MAKE ADVANCE DIRECTIVES AND TO DESIGNATE HEALTH CARE AGENTS; AND TO IMPROVE AND SIMPLIFY THE MEANS OF MAKING THESE DIRECTIVES AND DESIGNATIONS, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second reading (43-0).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Saturday, July 28, upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 1017, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET WITHIN THREE NAUTICAL MILES OF THE SHORELINE OF BRUNSWICK COUNTY FROM MAY 1 THROUGH OCTOBER 31 OF EACH YEAR, referred to the **Agriculture/Environment/Natural Resources Committee** on May 15.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and placed on the Calendar for Saturday, July 28, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Agriculture/Environment/Natural Resources Committee** and places it on the Calendar for Saturday, July 28.

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S.J.R. 1571, A JOINT RESOLUTION HONORING THE MEMORY OF ROBERT RUARK, NOTED NORTH CAROLINA HALL OF FAME AUTHOR AND JOURNALIST, referred to the **Rules and Operations of the Senate Committee** on July 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, July 31, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, July 31.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 767 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL LAW ENFORCEMENT OFFICERS AND ALL FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES PERSONNEL THROUGHOUT THE STATE TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES; TO ALLOW CERTAIN MUNICIPAL AND COUNTY EMPLOYEES CURRENTLY AUTHORIZED TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES TO CONTINUE; TO REPEAL LOCAL ACTS ON THE SUBJECT; AND TO MANDATE THAT ATV SAFETY COURSES BE APPROVED BY THE COMMISSIONER OF INSURANCE.

Pursuant to the message from the House of Representatives received Wednesday, July 25, that the House fails to concur in the Senate Committee Substitute bill for H.B. 767 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Kerr, Chair; Senator Forrester; Senator McKissick; 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.

Upon motion of Senator Basnight, seconded by Senator Cowell, the Senate adjourns subject to reading of messages from the House of Representatives, receipt of Conference Reports and Committee Reports and referral and referral of bills to meet Saturday, July 28, at 9:00 A.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 1167 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF ADMINISTRATION TO

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INFORM COUNTIES AND MUNICIPALITIES BEFORE ACQUIRING LAND WITHIN THEIR BOUNDARIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Saturday, July 28, for concurrence.

S.B. 1218 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CANDIDATES TO DISCLOSE FELONY CONVICTIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Saturday, July 28, for concurrence.

S.B. 1351 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE FRANCHISE LAWS AS THEY RELATE TO AUTOMOBILE DEALER WARRANTY OBLIGATIONS, CIVIL ACTIONS FOR VIOLATIONS, COERCION, AND INSTALLMENT SALES; AND TO REQUIRE THAT FAIR COMPENSATION BE PAID TO FRANCHISED MOTOR VEHICLE DEALERS TERMINATED AS A RESULT OF INDUSTRY REORGANIZATION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Saturday, July 28, for concurrence.

H.B. 22, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE TORT CLAIM LIMIT.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 206 (Committee Substitute), 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 **Finance Committee**.

H.B. 296 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A STUDY OF COMPENSATION TO THE PERSONS STERILIZED THROUGH THE STATE'S EUGENIC STERILIZATION PROGRAM.

Referred to the **Health Care Committee**.

H.B. 431 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE ADMINISTRATION OF THIMEROSAL-FREE VACCINES TO CERTAIN-AGED CHILDREN AND PREGNANT WOMEN.

Referred to the **Health Care Committee** and upon a favorable report, referred to the **Appropriations/Base Budget Committee**.

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H.B. 898 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES BUT TO ALLOW THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION ACCESS TO THE RECORDS OF EXPUNCTION.

Referred to the **Finance Committee**.

H.B. 964 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF HOME CARE SERVICES TO INCLUDE IN-HOME COMPANION, SITTER, AND RESPITE CARE SERVICES PROVIDED TO AN INDIVIDUAL.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1076 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO WAIVE FEES AS WELL AS TUITION FOR CERTAIN PERSONS ATTENDING CLASSES AT A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA OR AT A COMMUNITY COLLEGE.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1381 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA RESPIRATORY CARE BOARD TO RAISE THE CEILING ON CERTAIN LICENSURE FEES.

Referred to the **Finance Committee**.

H.B. 1443 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MEDICAID ESTATE RECOVERY PLAN.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 1652 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE AN E-911 TELECOMMUNICATOR SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

H.B. 1761 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND.

Referred to the **Commerce, Small Business and Entrepreneurship Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 316 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE TO ESTABLISH AN OBLIGATION TO PROVIDE NOTICE TO ALL PARTIES TO AN ACTION OF THE ISSUANCE OF A SUBPOENA AND THE RECEIPT OF MATERIAL PRODUCED IN COMPLIANCE WITH THE SUBPOENA, AND TO PROVIDE A REASONABLE OPPORTUNITY TO INSPECT SUCH MATERIAL, 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, 80492, which changes the title upon concurrence to read **H.B. 316** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE TO ESTABLISH AN OBLIGATION TO PROVIDE NOTICE TO ALL PARTIES TO AN ACTION OF RECEIPT OF MATERIAL PRODUCED IN COMPLIANCE WITH A SUBPOENA, AND TO PROVIDE A REASONABLE OPPORTUNITY TO INSPECT SUCH MATERIAL, is adopted and engrossed.

By Senator East for the **State & Local Government Committee**:

H.B. 398, A BILL TO BE ENTITLED AN ACT PROVIDING THE TOWN OF SPRING LAKE AND THE CITY OF WINSTON-SALEM WITH ADDITIONAL OPTIONS FOR SERVICE OF NOTICE OF VIOLATION OF THE CITY'S GARBAGE AND TRASH ORDINANCE AND THE CITY'S OVERGROWN VEGETATION ORDINANCE, with a favorable report.

H.B. 849, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE TOWN OR ON PROPERTY OWNED OR LEASED BY THE TOWN, 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 80491, is adopted and engrossed.

Upon motion of Senator East, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Hoyle for the **Finance Committee**:

S.B. 1152, A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES TO PAY INTEREST ON ILLEGALLY EXACTED

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TAXES, FEES, OR MONETARY CONTRIBUTIONS FOR DEVELOPMENT THAT ARE NOT SPECIFICALLY AUTHORIZED BY LAW, with a favorable report.

S.B. 1180, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT MAY NOT IMPOSE A TAX, FEE, OR MONETARY CONTRIBUTION FOR DEVELOPMENT THAT IS NOT SPECIFICALLY AUTHORIZED BY LAW, with a favorable report.

S.B. 1435 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF FUNERAL SERVICE, MUTUAL BURIAL ASSOCIATIONS, PRENEED FUNERAL FUNDS, AND CREMATIONS, with a favorable report.

H.B. 546, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO PROPERTY TAX, RETIREMENT SYSTEM, AND OTHER STATUTES RELATING TO THE NORTH CAROLINA STATE ART SOCIETY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Pensions & Retirement and Aging Committee**.

H.B. 859 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH TRANSITIONAL NUTRIENT OFFSET PAYMENTS AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP AND IMPLEMENT A PLAN TO TRANSITION THE NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM NUTRIENT OFFSET PROGRAM FROM A FEE-BASED PROGRAM TO A PROGRAM BASED ON THE ACTUAL COSTS OF PROVIDING NUTRIENT CREDITS, with a favorable report.

H.B. 628 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A UNIFORM CO-PAYMENT SCHEDULE FOR MH/DD/SA SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, 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, 70608, is adopted and engrossed.

S.B. 1352, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ENFORCEMENT OF TOLLS AT TOLL FACILITIES OPERATED BY THE NORTH CAROLINA TURNPIKE AUTHORITY, 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 85365, which changes the title to read **S.B. 1352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE GAP FUNDING FOR PROJECTS BONDED BY THE NORTH CAROLINA TURNPIKE AUTHORITY, is adopted and engrossed.

S.B. 1517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSPICUOUS DISCLOSURE OF ANY MAINTENANCE FEES CHARGED FOR GIFT CARDS AND TO PROHIBIT ISSUERS OF GIFT CARDS FROM CHARGING MAINTENANCE FEES FOR TWO YEARS AFTER THE DATE OF PURCHASE, 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, 35424, which changes the title to read **S.B. 1517** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSPICUOUS DISCLOSURE OF ANY MAINTENANCE FEES CHARGED FOR GIFT CARDS AND TO PROHIBIT ISSUERS OF GIFT CARDS FROM CHARGING MAINTENANCE FEES FOR ONE YEAR AFTER THE DATE OF PURCHASE, is adopted and engrossed.

CONFERENCE REPORT

Senator Garrou, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1473** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, 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 1473, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, Senate Finance Committee Substitute Adopted 5/29/07 Eighth Edition Engrossed 5/31/07, submit the following report:

The House concurs in the Senate Finance Committee Substitute Adopted 5/29/07, Eighth Edition Engrossed 5/31/07, with an amendment:

Delete the entire Senate Finance Committee Substitute Adopted 5/29/07, Eighth Edition Engrossed 5/31/07, and substitute the attached Proposed Conference Committee Substitute H1473-PCCS30527-LRxf-4.

The Senate agrees to the same.

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The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 27, 2007.

Conferees for the Senate

S/Linda Garrou, Co-Chair
 S/Kay R. Hagan, Co-Chair
 S/Walter H. Dalton, Co-Chair
 Charles W. Albertson
 Tom Apodaca
 S/Bob Atwater
 S/Doug Berger
 Phil Berger
 Stan Bingham
 Julia Boseman
 Peter S. Brunstetter
 Daniel G. Clodfelter
 Janet Cowell
 Charlie Smith Dannelly
 S/Katie G. Dorsett
 S/Tony Foriest
 Steve Goss
 Malcolm Graham
 Fletcher L. Hartsell, Jr.
 S/David W. Hoyle
 S/Clark Jenkins
 S/Ed Jones
 S/John H. Kerr III
 S/Eleanor Kinnaird
 S/Vernon Malone
 S/Floyd B. McKissick, Jr.
 Martin L. Nesbitt, Jr.
 S/William R. Purcell
 Joe Sam Queen
 S/Tony Rand
 Larry Shaw
 John Snow
 S/R. C. Soles, Jr.
 Richard Stevens
 S/A. B. Swindell
 Jerry W. Tillman
 S/David F. Weinstein

Conferees for the House of Representatives

S/Henry M. Michaux, Jr., Chair
 S/Alma Adams, Chair
 S/Martha B. Alexander, Chair
 S/James W. Crawford, Jr., Chair
 S/R. Phillip Haire, Chair
 S/Maggie Jeffus, Chair
 S/Joe P. Tolson, Chair
 S/Douglas Y. Yongue, Chair
 S/Hugh Holliman, Chair
 S/Bill Owens, Chair
 S/Larry Womble
 Cary D. Allred
 S/Walter G. Church, Sr.
 S/W. Pete Cunningham
 S/Deborah K. Ross
 S/Rick Glazier
 S/Marian N. McLawhorn
 S/Ray Rapp
 S/Larry M. Bell
 S/Marvin W. Lucas
 S/Earline W. Parmon
 Louis M. Pate, Jr.
 S/Cullie M. Tarleton
 S/Bruce Goforth
 S/Alice Graham Underhill
 S/R. Van Braxton
 Debbie A. Clary
 S/Susan C. Fisher
 S/Garland E. Pierce
 S/Russell E. Tucker
 Beverly M. Earle
 S/Bob England, M.D.
 S/Verla Insko
 Jeff Barnhart
 S/William D. Brisson
 S/Linda Coleman
 S/Jennifer Weiss
 Alice L. Bordsen
 Jimmy L. Love, Sr.

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S/Melanie Wade Goodwin
Joe L. Kiser
S/Annie W. Mobley
S/Timothy L. Spear
S/Ronnie Sutton
S/Ray Warren
S/Mary E. McAllister
S/Edith D. Warren
S/Angela R. Bryant
S/Pricey Harrison
Carolyn H. Justice
S/W. A. (Winkie) Wilkins
S/Michael H. Wray
S/Lorene Coates
S/Nelson Cole
S/Lucy T. Allen
S/Dan Blue
S/Margaret Highsmith Dickson
S/Ty Harrell
Jerry C. Dockham
S/Grier Martin
S/Drew Saunders
S/Arthur Williams
S/Paul Luebke
S/Pryor Gibson
S/William L. Wainwright
S/Becky Carney
S/Tricia Ann Cotham
Bill Faison
S/Jean Farmer-Butterfield
S/Larry D. Hall
S/Jim Harrell, III
S/Dewey L. Hill
Julia C. Howard
S/Earl Jones
Daniel F. McComas

(The full text of the Conference Committee Substitute can be found in the 2007 Session Laws-Chapter 323.)

The Conference Report is placed on the Calendar for Saturday, July 28, for adoption upon second reading.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:16 P.M.

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ONE HUNDRED SEVENTH DAY

Senate Chamber
Saturday, July 28, 2007

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 Steve Sumerel, First Baptist Church, Raleigh, North Carolina as follows:

"Oh Lord, as a hiker of our beautiful mountains, I know that the trail always gets steeper and rockier, the closer you get to the top. The last mile is always the hardest. But, the trek goes on because of the promise of the view. One ponders how such vistas can be so breathtaking and yet so life giving. This has been and continues to be a grueling week in the General Assembly and with the budget looming and piles of bills awaiting action, the next days are no doubt going to be steep and rocky. The last mile is always the hardest. So, I pray, Oh Lord, go ahead and grant to them a view, a pause to reflect on the good already done, not tallies of wins and loses, but that they breathe deeply of their noble efforts and faithful service. Give to them grace and graciousness for the week ahead and the promise of an even greater view, we pray. Amen."

The Chair grants leaves of absence for today to Senator Allran, Senator Dannelly, Senator Forrester, Senator Jacumin, Senator Jenkins and Senator Pittenger.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, 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.

RECALL FROM ENGROSSING

S.B. 1492 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR

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OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.

Having voted with the majority, Senator Rand offers a motion that the Committee Substitute bill No. 2, as amended, which passed its third reading on

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July 27, be recalled from engrossing for further consideration by the Senate, which motion prevails, with unanimous consent.

Upon motion of Senator Rand, the Committee Substitute bill No. 2, as amended, is placed on today's Calendar for further consideration upon third reading.

WITHDRAWAL FROM CLERK'S OFFICE

H.B. 1005 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BONDS FOR CONTRACTS ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMISSION CONTRACTORS WHO OPERATE LICENSE PLATE AGENCIES, ordered held in the Office of the Principal Clerk on May 22, pending referral to committee.

Senator Rand announces the referral of the Committee Substitute bill to the **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1094, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PUNISHMENTS FOR UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 31.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 56, AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, EXPAND THE HEALTH CARE PERSONNEL REGISTRY AND AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT RULES ALLOWING THE ISSUANCE OF RATED CERTIFICATES TO ADULT CARE HOMES.

S.B. 661, AN ACT TO AMEND ALCOHOLIC BEVERAGE CONTROL ELECTION LAWS TO ALLOW CITIES WHICH ARE LOCATED IN MORE THAN ONE COUNTY TO HAVE A CITYWIDE ELECTION FOR MIXED BEVERAGES.

S.B. 692, AN ACT TO ESTABLISH THE BOXING ADVISORY COMMISSION.

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S.B. 747, AN ACT TO ESTABLISH REQUIREMENTS FOR BUILDER DESIGNATIONS UNDER THE LAWS PERTAINING TO GENERAL CONTRACTORS.

S.B. 882, AN ACT TO AUTHORIZE THE INDUSTRIAL COMMISSION TO EMPLOY SWORN LAW ENFORCEMENT OFFICERS TO PERFORM FRAUD INVESTIGATIONS.

S.B. 1009, AN ACT TO CLARIFY THAT A WITNESS'S ORAL STATEMENTS TO A PROSECUTING ATTORNEY DO NOT NEED TO BE RECORDED UNLESS THE STATEMENT CONTAINS SIGNIFICANTLY NEW OR DIFFERENT INFORMATION FROM A PRIOR STATEMENT AND TO PROVIDE WHAT TYPE OF WITNESS IDENTIFICATION INFORMATION MUST BE DISCLOSED TO THE DEFENDANT.

S.B. 1065, AN ACT AUTHORIZING COMMUNITY COLLEGES TO IMPLEMENT A TUITION SURCHARGE AND TO USE ENDOWED SCHOLARSHIP FUNDS TO OFFSET THE COST OF A TUITION SURCHARGE.

S.B. 1090, AN ACT AMENDING CERTAIN PROVISIONS TO ALLOW FOR PROVISIONAL LICENSURE OF CLINICAL SOCIAL WORKERS UNDER THE LAWS REGULATING THE PRACTICE OF SOCIAL WORK.

S.B. 1292, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT A POLICY REQUIRING TEACHERS TO TAKE CREDITS IN THEIR ACADEMIC SUBJECT AREA AS PART OF THE LICENSURE RENEWAL PROCESS.

S.B. 1353, AN ACT PROVIDING FOR A REVIEW OF THE APPLICATION OF THE STATE PERSONNEL ACT TO EMPLOYEES OF THE UNIVERSITY OF NORTH CAROLINA.

S.B. 1365, AN ACT TO PROVIDE THAT INTEREST EARNED ON THE WILDLIFE CONSERVATION ACCOUNT SHALL BE CREDITED TO THE ACCOUNT.

S.B. 1408, AN ACT TO CLARIFY DISCIPLINARY AUTHORITY OF THE NORTH CAROLINA APPRAISAL BOARD UNDER THE NORTH CAROLINA APPRAISERS ACT.

H.B. 487, AN ACT TO EXEMPT BALER TWINE FROM THE SALES AND USE TAX.

H.B. 536, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT NEW STANDARDS FOR SCHOOL ADMINISTRATOR PREPARATION PROGRAMS.

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H.B. 1718, AN ACT AUTHORIZING CERTAIN CITIES TO ENACT FAIR HOUSING ORDINANCES.

H.B. 1912, AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE FUNDS FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO RETROFIT SCHOOL BUSES IN ORDER TO REDUCE DIESEL EMISSIONS FROM CERTAIN DIESEL SCHOOL BUSES REGISTERED IN COUNTIES LOCATED IN AREAS DESIGNATED AS NONATTAINMENT OR MAINTENANCE FOR OZONE OR PARTICULATE MATTER.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 116, AN ACT TO PROVIDE STAGGERED FOUR-YEAR TERMS FOR THE ELLENBORO TOWN COUNCIL, AND A FOUR-YEAR TERM FOR MAYOR.

S.B. 220, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ROANOKE RAPIDS AND THE TOWNS OF AHOSKIE, COLUMBUS, AND WELDON.

S.B. 403, AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

S.B. 493, AN ACT TO AMEND THE LAW REGULATING ROAD HUNTING AND HUNTING ON THE LAND OF ANOTHER IN BERTIE COUNTY.

H.B. 1217, AN ACT TO AUTHORIZE THE TOWN OF NAVASSA TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

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. 973, AN ACT TO REQUIRE MANDATORY HEALTH INSURANCE COVERAGE OF CERTAIN MENTAL ILLNESSES AND TO REQUIRE AT LEAST A MINIMUM BENEFIT PACKAGE FOR OTHER MENTAL ILLNESSES. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-268.)

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H.B. 986, AN ACT TO INCORPORATE THE TOWN OF BUTNER, TO TRANSFER CERTAIN ASSETS PREVIOUSLY HELD BY THE STATE OF NORTH CAROLINA FOR THE TOWN OF BUTNER TO THE NEWLY INCORPORATED TOWN OF BUTNER, AND TO MAKE CONFORMING CHANGES TO PUBLIC LAWS AFFECTING THE BUTNER RESERVATION. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-269.)

S.B. 335, AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED THROUGH A SPECIAL ELECTION PROCESS IN SOME CIRCUMSTANCES. (Became law upon ratification, July 27, 2007 - S.L. 2007-270.)

S.B. 381, AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF CHADBOURN. (Became law upon ratification, July 27, 2007 - S.L. 2007-271.)

H.B. 922, AN ACT TO ELECT THE BERTIE COUNTY BOARD OF EDUCATION ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION AND TO CHANGE THE TIME WHEN THE MEMBERS OF THE HYDE COUNTY BOARD OF EDUCATION TAKE OFFICE. (Became law upon ratification, July 27, 2007 - S.L. 2007-272.)

H.B. 1176, AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE STATE RIGHT-OF-WAY IN TYRRELL COUNTY. (Became law upon ratification, July 27, 2007 - S.L. 2007-273.)

S.B. 753, AN ACT DESIGNATING THE MONTH OF OCTOBER AS DISABILITY HISTORY AND AWARENESS MONTH AND REQUIRING LOCAL BOARDS OF EDUCATION TO PROVIDE INSTRUCTION ON DISABILITY HISTORY AND AWARENESS. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-274.)

H.B. 232, AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY STRATEGIES FOR RECOVERING COSTS DUE TO DAMAGED AND LOST TEXTBOOKS. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-275.)

H.B. 698, AN ACT TO AMEND EXISTING CHILD WELFARE LAWS TO COMPLY WITH FEDERAL LAW AND REGULATIONS. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-276.)

S.B. 1030, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP A FRAMEWORK FOR A REACHING ONE'S POTENTIAL FOR EXCELLENCE (ROPE) SCHOLARS PROGRAM. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-277.)

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S.B. 884, 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. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-278.)

S.B. 670, AN ACT TO PROVIDE THAT CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS, COVENANTS, AND OTHER SIMILAR AGREEMENTS CANNOT PROHIBIT OR HAVE THE EFFECT OF PROHIBITING THE INSTALLATION OF SOLAR COLLECTORS NOT FACING PUBLIC ACCESS OR COMMON AREAS ON DETACHED SINGLE-FAMILY RESIDENCES. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-279.)

H.B. 648, AN ACT TO REVISE AND RECODIFY THE LAW AUTHORIZING THE DIVISION OF CORRECTION ENTERPRISES WITHIN THE DEPARTMENT OF CORRECTION. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-280.)

S.B. 879, AN ACT PROVIDING FOR ADDITIONAL PROJECT MANAGERS ON INFORMATION TECHNOLOGY PROJECTS AND INCREASING THE THRESHOLD FOR THE MANDATORY DESIGNATION OF PROJECT MANAGER ASSISTANTS BY THE STATE CHIEF INFORMATION OFFICER. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-281.)

S.B. 876, AN ACT INCREASING THE AMOUNT OF TIME AN AGENCY HAS TO REQUEST A REVIEW OF A DECISION BY THE STATE CHIEF INFORMATION OFFICER TO DENY OR SUSPEND APPROVAL OF AN INFORMATION TECHNOLOGY PROJECT OR DENY A REQUEST FOR A DEVIATION. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-282.)

H.B. 1357, AN ACT TO ALLOW A CHILD WHO IS NOT A DOMICILIARY OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND, WITHOUT PAYMENT OF TUITION, THE PUBLIC SCHOOLS OF THAT UNIT IF THE CHILD RESIDES WITH AN ADULT WHO IS A DOMICILIARY OF THAT UNIT BECAUSE THE CHILD'S PARENT OR GUARDIAN HAS BEEN CALLED TO ACTIVE MILITARY DUTY OR ACTIVE DUTY WITH THE NATIONAL GUARD. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-283.)

H.B. 26, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO DIRECT THE BOARD OF GOVERNORS OF THE

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UNIVERSITY OF NORTH CAROLINA TO REPORT ON THE EFFICACY OF THE PREPARATION OF TEACHERS TO TEACH STUDENTS WITH DISABILITIES. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-284.)

S.B. 630, AN ACT TO AUTHORIZE THE NORTH CAROLINA ARBORETUM TO ESTABLISH A CAMPUS LAW ENFORCEMENT AGENCY. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-285.)

H.B. 1412, AN ACT TO CLARIFY VETERANS PREFERENCE WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-286.)

H.B. 1413, AN ACT PROVIDING FOR THE DESIGNATED APPOINTMENT OF A VETERAN OF THE ARMED FORCES TO THE STATE PERSONNEL COMMISSION. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-287.)

S.B. 527, AN ACT TO REQUIRE BUSINESSES THAT SELL PRODUCTS OR SERVICES TO CONSUMERS PURSUANT TO CONTRACTS THAT AUTOMATICALLY RENEW UNLESS THE CONSUMERS CANCEL THE CONTRACTS TO DISCLOSE THE RENEWAL CLAUSES. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-288.)

H.B. 1330, AN ACT TO PROVIDE AN EXEMPTION FROM THE REQUIREMENT THAT A BACKSEAT PASSENGER WEAR A SEAT BELT WHILE BEING TRANSPORTED BY A LAW ENFORCEMENT OFFICER. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-289.)

H.B. 1321, AN ACT TO PROVIDE A WEIGHT AND SIZE EXCEPTION TO STATE AND LOCAL FIREFIGHTING AGENCIES TRANSPORTING OVERWEIGHT AND OVERSIZED VEHICLES BEING USED TO COMBAT FOREST FIRES, WILDFIRES, AND OTHER EMERGENCIES OR DISASTERS, TO AUTHORIZE THE ISSUANCE OF AN ANNUAL OR SINGLE TRIP PERMIT FOR OVERSIZE AND OVERWEIGHT COMMERCIAL VEHICLES USED IN EMERGENCY RESPONSE, AND TO AUTHORIZE THE ISSUANCE OF A SINGLE TRIP PERMIT FOR OVERSIZE OR OVERWEIGHT VEHICLES OR VEHICLE COMBINATIONS RESPONDING TO AN EMERGENCY EVENT. (Became law upon approval of the Governor, July 27, 2007 - S.L. 2007-290.)

CALENDAR *(continued)*

H.B. 573, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A

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CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 31.

H.B. 1213 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING AUTHORITY TO THE TOWN OF CARY TO REQUIRE DEVELOPERS OF MULTIFAMILY UNITS TO PROVIDE FUNDS FOR RECREATIONAL LAND TO SERVE MULTIFAMILY DEVELOPMENTS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 562, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: None.

The bill remains on the Calendar for Monday, July 30, upon third reading.

H.B. 89 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO LIMITATIONS ON CONSTRUCTION IN THE TOWN OF OAK ISLAND.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 398, A BILL TO BE ENTITLED AN ACT PROVIDING THE TOWN OF SPRING LAKE AND THE CITY OF WINSTON-SALEM WITH

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ADDITIONAL OPTIONS FOR SERVICE OF NOTICE OF VIOLATION OF THE CITY'S GARBAGE AND TRASH ORDINANCE AND THE CITY'S OVERGROWN VEGETATION ORDINANCE.

The bill passes its second (44-0) and third readings and is ordered enrolled.

H.B. 1017, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET WITHIN THREE NAUTICAL MILES OF THE SHORELINE OF BRUNSWICK COUNTY FROM MAY 1 THROUGH OCTOBER 31 OF EACH YEAR.

The bill passes its second (36-8) and third readings and is ordered enrolled.

H.B. 1473 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, for adoption, upon second 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 Rand calls the previous question on the adoption of the Conference Report through the passage of the bill, seconded by Senator Dalton, which motion prevails (30-14).

Senator Stevens announces a pair vote. If Senator Jenkins were present, he would vote "aye"; Senator Stevens votes "no".

Senator Hoyle announces a pair vote. If Senator Forrester were present, he would vote "no"; Senator Hoyle votes "aye".

Senator Weinstein announces a pair vote. If Senator Jacumin were present, he would vote "no"; Senator Weinstein votes "aye".

Senator Shaw announces a pair vote. If Senator Allran were present, he would vote "no"; Senator Shaw votes "aye".

Senator Foriest announces a pair vote. If Senator Pittenger were present, he would vote "no"; Senator Foriest votes "aye".

Senator Bingham announces a pair vote. If Senator Dannelly were present, he would vote "aye"; Senator Bingham votes "no".

The Conference Report is adopted on its second reading, by roll-call vote, ayes 25, noes 13, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dorsett, Garrou, Goss, Graham, Hagan, Hartsell, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Soles and Swindell---25.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, East, Goodall, Hunt, Preston, Smith, Snow and Tillman---13.

The Conference Report remains on the Calendar for Monday, July 30, for adoption, upon third reading.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 1685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED REQUIREMENTS TO ALLOW FOR AN EXPEDITED REVIEW PROCESS FOR AN ADULT CARE HOME OR A NURSING HOME TO RELOCATE WITHIN THE SAME 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 70607, is adopted and engrossed.

H.B. 1817 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS REGARDING COVERED LOANS AND TO INCREASE THE COMMISSIONER'S DISCIPLINARY AUTHORITY OVER LICENSEES UNDER THE MORTGAGE LENDING ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60404, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 684 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FUNDING FOR THE STATEWIDE SPAY AND NEUTER PROGRAM FROM THE SALE OF RABIES VACCINATION TAGS, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---42.

Voting in the negative: Senator Brock---1.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message.

The Honorable Beverly E. Perdue, Lieutenant Governor, relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

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S.B. 864 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS, TO REPEAL THE SALES AND USE TAX EXEMPTION FOR NUTRITIONAL SUPPLEMENTS SOLD BY A CHIROPRACTOR, AND TO AMEND THE PERFUSIONIST LICENSURE ACT, 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 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

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. 825, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A FEDERALLY REQUIRED MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILIES THAT HAVE NEVER RECEIVED TANF, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor by special message.

H.B. 862 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANT PROTECTION AND CONSERVATION ACT, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou,

Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor by special message.

H.B. 1231 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO WAIVE THE REQUIREMENT TO OBTAIN A CONCEALED HANDGUN PERMIT TO CARRY A CONCEALED HANDGUN FOR CERTAIN PERSONS AUTHORIZED BY FEDERAL LAW TO CARRY CONCEALED HANDGUNS AND FOR CERTAIN FEDERAL AND STATE RETIRED LAW ENFORCEMENT OFFICERS, AND TO EXEMPT ARMED ARMORED CAR SERVICE GUARDS AND ARMED SECURITY GUARDS WHILE PERFORMING DUTIES FROM PROHIBITIONS ON CARRYING WEAPONS ON CERTAIN EDUCATIONAL PROPERTY, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Malone, McKissick, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---42.

Voting in the negative: Senator Kinnaird---1.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1659 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CRIMINAL HISTORY RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF PUBLIC INSTRUCTION, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence.

S.B. 1352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE GAP FUNDING FOR PROJECTS BONDED BY THE NORTH CAROLINA TURNPIKE AUTHORITY.

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Upon motion of Senator Hoyle, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 177 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGE BOARDS TO SECURE LOANS UNDER THE ENERGY IMPROVEMENT LOAN PROGRAM, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for Monday, July 30, upon third reading.

H.B. 628 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A UNIFORM CO-PAYMENT SCHEDULE FOR MH/DD/SA SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Upon motion of Senator Rand, the Chair orders, without objection, the Senate Committee Substitute bill No. 2 temporarily displaced.

H.B. 1259, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE PASS-THROUGH ENTITY ALLOCATION PROVISIONS OF THE HISTORIC REHABILITATION TAX CREDIT, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: None.

The bill remains on the Calendar for Monday, July 30, upon third reading.

S.B. 1492 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS

ARE NOT TRANSFERABLE; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT

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LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, as amended on second reading and recalled from engrossing and placed earlier on today's Calendar upon third reading.

Having voted with the majority, Senator Cowell offers a motion that the vote by which Amendment No. 4 was adopted be reconsidered, which motion prevails.

Senator Cowell withdraws Amendment No. 4.

Senator Cowell offers Amendment No. 5 which is adopted (40-0).

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 27, noes 13, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dorsett, Foriest, Garrou, Goss, Graham, Hagan, Hoyle, Jones, Kerr, Kinnaird, Malone, McKissick, Purcell, Queen, Rand, Shaw, Snow, Soles and Weinstein---27.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Goodall, Hunt, Preston, Smith, Stevens and Tillman--13.

The Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives by special message.

S.B. 1152, A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES TO PAY INTEREST ON ILLEGALLY EXACTED TAXES, FEES, OR MONETARY CONTRIBUTIONS FOR DEVELOPMENT THAT ARE NOT SPECIFICALLY AUTHORIZED BY LAW.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1180, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT MAY NOT IMPOSE A TAX, FEE, OR MONETARY CONTRIBUTION FOR DEVELOPMENT THAT IS NOT SPECIFICALLY AUTHORIZED BY LAW.

Without objection, Senator Smith requests to be excused from voting on the bill due to a conflict of interest.

The bill passes its second (38-4) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1214 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message.

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S.B. 1435 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF FUNERAL SERVICE, MUTUAL BURIAL ASSOCIATIONS, PRENEED FUNERAL FUNDS, AND CREMATIONS.

Senator Atwater offers Amendment No. 1 which is adopted (42-0).

The Committee Substitute bill, as amended, passes its second (40-3) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 1517 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSPICUOUS DISCLOSURE OF ANY MAINTENANCE FEES CHARGED FOR GIFT CARDS AND TO PROHIBIT ISSUERS OF GIFT CARDS FROM CHARGING MAINTENANCE FEES FOR ONE YEAR AFTER THE DATE OF PURCHASE.

Senator Atwater offers Amendment No. 1 which is adopted (43-0).

The Committee Substitute bill No. 2, as amended, passes its second reading (42-0).

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, July 30, upon third reading.

H.B. 38 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PUBLIC ALERT TO BE ISSUED WHEN A PERSON WITH DEMENTIA OR OTHER COGNITIVE IMPAIRMENT IS REPORTED MISSING, TO INCLUDE CAREGIVERS AMONG THOSE WHO CAN REPORT AN INDIVIDUAL MISSING, TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE PROVISIONS CONCERNING THE NORTH CAROLINA CENTER FOR MISSING PERSONS, AND TO EXEMPT EMS WORKERS LOCATING MISSING PERSONS FROM THE PRIVATE PROTECTIVE SERVICES ACT.

The Senate Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 316 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE TO ESTABLISH AN OBLIGATION TO PROVIDE NOTICE TO ALL PARTIES TO AN ACTION OF RECEIPT OF MATERIAL PRODUCED IN COMPLIANCE WITH A SUBPOENA, AND TO PROVIDE A REASONABLE OPPORTUNITY TO INSPECT SUCH MATERIAL.

The Senate Committee Substitute bill No. 2 passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 802 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE DEPARTMENT OF TRANSPORTATION CONTRACTING

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AUTHORITY TO PROVIDE FOR TRANSPORTATION INFRASTRUCTURE AND LITTER REMOVAL FROM STATE RIGHTS-OF-WAY.

Senator Rand offers Amendment No. 1 which is adopted (44-0), and changes the title upon concurrence to read **H.B. 802**, (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE DEPARTMENT OF TRANSPORTATION CONTRACTING AUTHORITY TO PROVIDE FOR TRANSPORTATION INFRASTRUCTURE, LITTER REMOVAL FROM STATE RIGHTS-OF WAY, AND TRAVEL INFORMATION AT STATE-OWNED REST AREAS.

The Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

H.B. 859 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH TRANSITIONAL NUTRIENT OFFSET PAYMENTS AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP AND IMPLEMENT A PLAN TO TRANSITION THE NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM NUTRIENT OFFSET PROGRAM FROM A FEE-BASED PROGRAM TO A PROGRAM BASED ON THE ACTUAL COSTS OF PROVIDING NUTRIENT CREDITS.

Without objection, Senator Smith 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 (42-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 943 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE REGISTRAR TO ASSIST COUNTY JURY COMMISSIONS IN UPDATING THEIR LISTS OF PROSPECTIVE JURORS BY PROVIDING A LIST OF RESIDENTS OF EACH COUNTY WHO HAVE DIED RECENTLY; TO REQUIRE THE STATE REGISTRAR TO PROVIDE THE COMMISSIONER OF MOTOR VEHICLES WITH A LIST OF RESIDENTS OF THE STATE WHO HAVE DIED RECENTLY; AND TO EXCLUDE FROM THE LISTS PROVIDED BY THE COMMISSIONER OF MOTOR VEHICLES TO COUNTY JURY COMMISSIONS THE NAMES OF PERSONS WHOSE DRIVERS LICENSES HAVE BEEN EXPIRED FOR AT LEAST EIGHT YEARS AND WHO HAVE BEEN INACTIVE VOTERS FOR AT LEAST EIGHT YEARS.

Senator Clodfelter offers Amendment No. 1 which is adopted (42-0).

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 by special message for concurrence.

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H.B. 1308, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR LIFETIME CERTIFICATION FOR TEACHERS AFTER FIFTY YEARS OF TEACHING.

The bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 628 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A UNIFORM CO-PAYMENT SCHEDULE FOR MH/DD/SA SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, temporarily displaced earlier today, upon second reading.

Senator Nesbitt offers Amendment No. 1.

Senator Hagan offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1, which she subsequently withdraws.

Amendment No. 1 is adopted (44-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 34, noes 10, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Boseman, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, Foriest, Garrou, Goss, Graham, Hagan, Hartsell, Hoyle, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein---34.

Voting in the negative: Senators Berger of Rockingham, Blake, Brock, Brown, East, Goodall, Hunt, Preston, Smith and Tillman---10.

The Senate Committee Substitute bill No. 2, as amended, remains on the Calendar for Monday, July 30, upon third reading.

H.B. 634 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO MAKE ADVANCE DIRECTIVES AND TO DESIGNATE HEALTH CARE AGENTS; AND TO IMPROVE AND SIMPLIFY THE MEANS OF MAKING THESE DIRECTIVES AND DESIGNATIONS.

Senator Hartsell calls the previous question on the passage of the Senate Committee Substitute bill, seconded by Senator Clodfelter, which motion prevails (34-10).

The Senate Committee Substitute bill passes its third reading (34-10) and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 947 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A NOTICE OF SALE IN FORECLOSURE PROCEEDINGS BE SENT TO CERTAIN TENANTS RESIDING IN THE PROPERTY TO BE SOLD, TO ALLOW THOSE TENANTS AFTER RECEIVING THE NOTICE TO TERMINATE THE RENTAL AGREEMENT UPON TEN DAYS' WRITTEN NOTICE TO THE LANDLORD, TO

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REQUIRE THAT THOSE TENANTS BE GIVEN THIRTY DAYS' NOTICE OF AN APPLICATION FOR AN ORDER FOR POSSESSION, AND TO CLARIFY THAT THE PROCEEDS IN THE AUTOMATION ENHANCEMENT AND PRESERVATION FUND MAY BE USED FOR THE PRESERVATION AND STORAGE OF PUBLIC RECORDS, as amended on second reading.

The Senate Committee Substitute bill, as amended, passes its third reading (41-3) and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

S.B. 1352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE GAP FUNDING FOR PROJECTS BONDED BY THE NORTH CAROLINA TURNPIKE AUTHORITY, temporarily displaced earlier today, upon second reading.

Without objection, Senator Brown requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 38, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brunstetter, Clodfelter, Cowell, Dalton, Dorsett, Foriest, Garrou, Goodall, Graham, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---38.

Voting in the negative: Senators Berger of Rockingham, Brock and East---3.

The Committee Substitute bill remains on the Calendar for Monday, July 30, upon third reading.

Upon motion of Senator Rand, seconded by Senator Berger of Franklin, the Senate adjourns with bills remaining on the Calendar as unfinished business, subject to receipt of committee reports, conference reports, reading of messages from the House of Representatives, and referral and re-referral of bills to meet Monday, July 30, at 3:00 P.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 320 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF ADMINISTRATION TO DEVELOP AND ADMINISTER A STATEWIDE UNIFORM CERTIFICATION PROGRAM FOR HISTORICALLY UNDERUTILIZED BUSINESSES DOING BUSINESS WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS, AND POLITICAL SUBDIVISIONS OF THE STATE, for concurrence in the House Committee Substitute bill.

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The House Committee Substitute bill is placed on the Calendar for Monday, July 30, for concurrence.

S.B. 490 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO REGULATION UNDER THE BUILDING CODE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 30, for concurrence.

S.B. 728 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE MEDIATION IN DISTRICT CRIMINAL COURTS AND TO ESTABLISH A PROGRAM WITHIN THE DISPUTE RESOLUTION COMMISSION FOR THE CERTIFICATION OF MEDIATORS WORKING IN THE DISTRICT CRIMINAL COURTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 30, for concurrence.

S.B. 806 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO LENGTHEN THE TIME GOODS PURCHASED BY PAWNBROKERS MUST BE HELD BEFORE RESALE, 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 30, for concurrence.

S.B. 1096 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INMATE WORK ASSIGNMENTS FROM THE STATE SURPLUS LAWS, TO REMOVE ANTIQUATED LANGUAGE REGARDING THE USE OF FEMALE INMATES IN PRISON LABOR PROJECTS, AND TO CLARIFY THE LAW REGARDING THE GIFT OR SALE OF CRAFT ITEMS MADE WITH DONATED SUPPLIES AND EQUIPMENT BY VOLUNTEERS WHO ARE INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 30, for concurrence.

S.B. 1115 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM FOR LATERAL ENTRY TEACHERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 30, for concurrence.

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S.B. 1147 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A COPY OF THE REGISTRATION CARD ISSUED FOR A DEALER REGISTRATION PLATE BE IN THE VEHICLE, TO MODIFY RETENTION AND INSPECTION PROCEDURES FOR DEALER RECORDS, TO CLARIFY WHEN A VEHICLE MUST BE INSPECTED, AND TO CLARIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 30, for concurrence.

S.B. 1240 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ALL BREAD SOLD AT A BAKERY THRIFT STORE IS TAXED AT THE SAME SALES TAX RATE, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on the Calendar for Monday, July 30, for concurrence in House Amendment No. 1.

S.B. 1245 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO RETAINAGE PAYMENTS ON PUBLIC CONSTRUCTION CONTRACTS, 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 30, for concurrence.

S.B. 1277 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL VEHICLES TRANSFERRED TO OR PURCHASED BY THE STATE THAT ARE DESIGNED TO OPERATE ON DIESEL FUEL SHALL BE COVERED BY AN EXPRESS MANUFACTURER'S WARRANTY THAT ALLOWS THE USE OF B-20 FUEL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 30, for concurrence.

S.B. 1383 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED OR LEASED LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED, HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD CAUSE SUBSTANTIAL HARM TO THE LAND OR THE ENVIRONMENT, AND TO ALLOW THE PUBLIC TO USE THE LAND FOR THE PURPOSE OF HIKING OR WALKING, 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 30, for concurrence.

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S.B. 1546 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 30, for concurrence.

H.B. 205 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT TO ACADEMIC SCHOLARSHIPS A BUDGET PROVISION GRANTING IN-STATE TUITION TO CERTAIN FULL SCHOLARSHIP STUDENTS.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 679 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION.

Referred to the **Finance Committee**.

H.B. 769 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENSURE COMPLIANCE WITH MOTOR CARRIER AND COMMERCIAL DRIVERS LICENSE PROVISIONS OF CHAPTER 20 OF THE GENERAL STATUTES AND TO AUTHORIZE THE COMMISSIONER OF MOTOR VEHICLES TO ENTER INTO THE UNIFIED MOTOR CARRIER REGISTRATION AGREEMENT.

Referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA CITIZENS' COMMISSION ON LEGISLATIVE COMPENSATION.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1013, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY AN ADDITIONAL ONE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

Referred to the **Finance Committee**.

WITHDRAWAL FROM CLERK'S OFFICE

H.B. 842, A BILL TO BE ENTITLED AN ACT TO REPEAL A LEGISLATIVE ANNEXATION TO THE TOWN OF MOUNT PLEASANT, ordered held in the Office of the Principal Clerk on May 16, pending referral to committee.

Senator Rand announces the referral of the bill to the Finance Committee.

July 28, 2007

WITHDRAWAL FROM COMMITTEE

H.B. 1761 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND, referred to the **Commerce, Small Business and Entrepreneurship Committee** on July 27.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce, Small Business and Entrepreneurship 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 **Commerce, Small Business and Entrepreneurship Committee** and re-refers the measure 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. 842, A BILL TO BE ENTITLED AN ACT TO REPEAL A LEGISLATIVE ANNEXATION TO THE TOWN OF MOUNT PLEASANT, 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 50764, which changes the title upon concurrence to read **H.B. 842** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS, is adopted and engrossed.

H.B. 1027 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE YADKIN COUNTY TO LEVY A 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 70609, which changes the title upon concurrence to read **H.B. 1027** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE OCCUPANCY TAX FOR THE TOWN OF JONESVILLE, TO AUTHORIZE YADKIN COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY, AND TO AUTHORIZE THE TOWN OF YADKINVILLE TO LEVY AN OCCUPANCY TAX, is adopted and engrossed.

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 1:13 P.M.

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ONE HUNDRED EIGHTH DAY

Senate Chamber
Monday, July 30, 2007

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, while reading the daily newspaper accounts of the Legislative proceeding last week, I thought I might have to come back and pray, 'Dear God, thank you that we do not have to go through the House of Representatives to get through to you.' But realizing that the House may have their own version of such a prayer, I am grateful that prayers for reconciliation and reason prevailed and were answered. I pray that kind of spirit continues in the final days of this Legislative Session. In your holy name we pray. Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Saturday, July 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Walter L. Wright from Kinston, North Carolina, who is serving the Senate as Doctor of the Day, and to Claudia Vespraskas from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 825, AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A FEDERALLY REQUIRED MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILIES THAT HAVE NEVER RECEIVED TANF.

H.B. 862, AN ACT TO AMEND THE PLANT PROTECTION AND CONSERVATION ACT.

H.B. 1308, AN ACT TO PROVIDE FOR LIFETIME CERTIFICATION FOR TEACHERS AFTER FIFTY YEARS OF TEACHING.

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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. 18, AN ACT TO AUTHORIZE MCDOWELL COUNTY TO LEVY AN ADDITIONAL TWO PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

S.B. 19, AN ACT TO MAKE A TECHNICAL CORRECTION TO THE DESCRIPTION OF THE BOUNDARY BETWEEN THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE EDGEcombe COUNTY PUBLIC SCHOOL SYSTEM.

S.B. 154, AN ACT TO AUTHORIZE THE TOWN OF DALLAS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

S.B. 282, AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

H.B. 398, AN ACT PROVIDING THE TOWN OF SPRING LAKE AND THE CITY OF WINSTON-SALEM WITH ADDITIONAL OPTIONS FOR SERVICE OF NOTICE OF VIOLATION OF THE CITY'S GARBAGE AND TRASH ORDINANCE AND THE CITY'S OVERGROWN VEGETATION ORDINANCE.

H.B. 1017, AN ACT TO MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET WITHIN THREE NAUTICAL MILES OF THE SHORELINE OF BRUNSWICK COUNTY FROM MAY 1 THROUGH OCTOBER 31 OF EACH YEAR.

H.B. 1213, AN ACT GRANTING AUTHORITY TO THE TOWN OF CARY TO REQUIRE DEVELOPERS OF MULTIFAMILY UNITS TO PROVIDE FUNDS FOR RECREATIONAL LAND TO SERVE MULTIFAMILY DEVELOPMENTS.

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. 135, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DEALER PLATES WITH A SYMBOL NOTING THAT THE HOLDER IS A MANUFACTURER, TO EXEMPT MANUFACTURERS FROM THE RESTRICTIONS ON THE NUMBER OF

July 30, 2007

DEALER PLATES THAT MAY BE ISSUED TO THEM, AND TO CLARIFY THAT THE DIVISION MAY ISSUE A DEALER PLATE IN A SUITABLY REDUCED SIZE FOR MOTORCYCLE DEALERS AND MANUFACTURERS. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-291.)

H.B. 18, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO CLARIFY THE DEFINITION OF RESIDENCE FOR THE DELIVERY OF SPECIAL EDUCATION SERVICES. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-292.)

S.B. 758, AN ACT TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES TO OBTAIN A LIMITED DRIVING PRIVILEGE. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-293.)

H.B. 1810, AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT OF 2005. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-294.)

H.B. 17, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE DELIVERY OF EDUCATIONAL AND OTHER SERVICES TO STUDENTS WITH DISABILITIES AT THE HIGH SCHOOL LEVEL AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-295.)

H.B. 1646, AN ACT TO INCREASE THE PENALTIES FOR VIOLATIONS OF LAWS TO PROTECT AIR QUALITY. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-296.)

H.B. 1400, AN ACT TO PROHIBIT THE TAKING OR RECOVERY OF HUMAN TISSUE AT A FUNERAL ESTABLISHMENT BY ANY PERSON, WITH CERTAIN EXCEPTIONS. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-297.)

H.B. 731, AN ACT TO PROTECT CONSUMERS PURCHASING ANNUITY PRODUCTS; ADDRESS PORTABILITY IN ACCIDENT AND HEALTH AND LIFE INSURANCE; MAKE MINOR CHANGES IN THE LAWS ON MANAGED CARE EXTERNAL REVIEWS; CLARIFY DEFINITIONS IN LONG-TERM CARE INSURANCE; ADDRESS SMALL EMPLOYER CARRIER PLAN ELECTIONS; DEFINE "CRITICAL PERIOD CONVERSION RATIO" FOR CREDIT INSURANCE; MAKE

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MISCELLANEOUS AMENDMENTS TO OTHER PROVISIONS RELATED TO LIFE AND HEALTH INSURANCE; AND MAKE TECHNICAL CORRECTIONS IN INSURANCE CODE REFERENCES TO THE TEACHERS' AND STATE EMPLOYEES' MAJOR MEDICAL PLAN. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-298.)

H.B. 292, AN ACT TO AUTHORIZE THE NORTH CAROLINA TURNPIKE AUTHORITY TO STUDY AND UNDERTAKE PRELIMINARY DESIGN WORK FOR A REPLACEMENT FOR THE YADKIN RIVER BRIDGE. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-299.)

H.B. 730, AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAWS GOVERNING MEDIATION OF PROPERTY INSURANCE CLAIMS ARISING OUT OF DISASTERS. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-300.)

H.B. 367, AN ACT TO STRENGTHEN THE LAW REGULATING THE SALE OF CERTAIN METALS BY SECONDARY METALS RECYCLERS, TO ADD WIRELESS AND CABLE TELECOMMUNICATIONS EQUIPMENT TO THE STATUTE PROVIDING PENALTIES FOR THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, TO INCREASE THE CRIMINAL PENALTIES FOR VIOLATIONS OF THOSE REGULATIONS OF THE INJURY OR DESTRUCTION OF WIRES, PHONE, TELEGRAPH, AND ELECTRICAL FIXTURES, AND TO PROVIDE FOR FORFEITURE OF VEHICLES USED IN FELONIOUS THEFT OF METALS. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-301.)

H.B. 1536, AN ACT TO LIMIT THE LIABILITY OF DEALERS OF LIQUEFIED PETROLEUM GAS AND THEIR EMPLOYEES, AGENTS, AND SUBCONTRACTORS UNDER CERTAIN SPECIFIED CIRCUMSTANCES. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-302.)

H.B. 735, AN ACT TO STREAMLINE THE CONSTRUCTION PLAN REVIEW PROCESS FOR CERTAIN PUBLIC BUILDINGS, AS REQUESTED BY THE HOUSE SELECT COMMITTEE ON PUBLIC SCHOOL CONSTRUCTION. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-303.)

H.B. 1025, AN ACT TO AUTHORIZE EMPLOYERS TO AMORTIZE THE PAYMENT OF THE COST OF PROBATIONARY EMPLOYMENT FOR MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-304.)

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H.B. 588, AN ACT TO UPDATE AND IMPROVE LAWS COVERING UNAUTHORIZED INSURERS. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-305.)

H.B. 646, AN ACT TO MAKE THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM'S DEBT COLLECTION PRACTICES MORE PATIENT FRIENDLY AND TO ASSIST CERTAIN PATIENTS. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-306.)

H.B. 1724, AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, TO REDESIGNATE ELK KNOB STATE NATURAL AREA AS ELK KNOB STATE PARK, AND TO REDESIGNATE DISMAL SWAMP STATE NATURAL AREA AS DISMAL SWAMP STATE PARK. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-307.)

H.B. 1555, AN ACT PROVIDING FOUR-YEAR TERMS FOR ALL APPOINTMENTS TO THE PROPERTY TAX COMMISSION. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-308.)

H.B. 463, AN ACT TO MODIFY THE CREDIT FOR CERTAIN REAL PROPERTY DONATIONS. (Became law upon approval of the Governor, July 28, 2007 - S.L. 2007-309.)

S.B. 116, AN ACT TO PROVIDE STAGGERED FOUR-YEAR TERMS FOR THE ELLENBORO TOWN COUNCIL, AND A FOUR-YEAR TERM FOR MAYOR. (Became law upon ratification, July 28, 2007 - S.L. 2007-310.)

S.B. 220, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF ROANOKE RAPIDS AND THE TOWNS OF AHOSKIE, COLUMBUS, AND WELDON. (Became law upon ratification, July 28, 2007 - S.L. 2007-311.)

S.B. 403, AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES. (Became law upon ratification, July 28, 2007 - S.L. 2007-312.)

S.B. 493, AN ACT TO AMEND THE LAW REGULATING ROAD HUNTING AND HUNTING ON THE LAND OF ANOTHER IN BERTIE COUNTY. (Became law upon ratification, July 28, 2007 - S.L. 2007-313.)

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H.B. 1217, AN ACT TO AUTHORIZE THE TOWN OF NAVASSA TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION. (Became law upon ratification, July 28, 2007 - S.L. 2007-314.)

CALENDAR

Bills on today's Calendar as unfinished business from July 28 are taken up and disposed of, as follows:

S.B. 1303 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MOUNTAIN HERITAGE TROUT WATERS THREE-DAY FISHING LICENSE AND TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ADOPT RULES TO ESTABLISH AND IMPLEMENT A MOUNTAIN HERITAGE TROUT WATERS PROGRAM, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Queen, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Malone, Pittenger, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein--42.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

S.B. 1167 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF ADMINISTRATION TO INFORM COUNTIES AND MUNICIPALITIES BEFORE ACQUIRING LAND WITHIN THEIR BOUNDARIES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dorsett, 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. 1218 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CANDIDATES TO DISCLOSE FELONY CONVICTIONS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Goodall, 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. 1351 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE FRANCHISE LAWS AS THEY

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RELATE TO AUTOMOBILE DEALER WARRANTY OBLIGATIONS, CIVIL ACTIONS FOR VIOLATIONS, COERCION, AND INSTALLMENT SALES; AND TO REQUIRE THAT FAIR COMPENSATION BE PAID TO FRANCHISED MOTOR VEHICLE DEALERS TERMINATED AS A RESULT OF INDUSTRY REORGANIZATION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hoyle, 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 668 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on the calendar for immediate consideration.

Upon motion of Senator Cowell, the Senate fails to concur in the House Committee Substitute bill (0-47).

Senator Cowell offers a motion that the Senate appoint conferees, which motion prevails.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 562, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The bill is ordered enrolled.

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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 28, 2007

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. 1537**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE LAWS ON DRIVING WHILE INTOXICATED, and requests conferees.

Speaker Hackney has appointed:

Representative Ross, Chair
Representative Alexander
Representative Insko
Representative Goodwin
Representative Bryant
Representative Clary, 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:

House of Representatives
July 28, 2007

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. 820**, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN NATURAL RESOURCES LAWS TO CLARIFY THAT DRAFT FISHERY

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MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, and requests conferees.

Speaker Hackney has appointed:

Representative Allen, Chair
Representative R. Warren
Representative Church
Representative Gillespie
Representative Martin
Representative Samuelson, and
Representative Tarleton

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. 1537 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEDICAID ESTATE RECOVERY LAW; TO AMEND THE LAW RESPECTING DATA SHARING BY HEALTH INSURERS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE; AND TO ENACT A PROCEDURE FOR THE WAIVER OF THE MEDICAID TRANSFER OF ASSETS PENALTY DUE TO UNDUE HARDSHIP.

Pursuant to the message from the House of Representatives received July 28 that the House fails to concur in the Senate Committee Substitute bill for H.B. 1537 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Nesbitt, Chair; Senator Berger of Franklin; Senator Brock 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 CONFERENCE COMMITTEE

H.B. 820 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF

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SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN.

Pursuant to the message from the House of Representatives received July 28 that the House fails to concur in the Senate Committee Substitute bill for H.B. 820 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Queen, Chair; Senator Albertson; Senator Clodfelter; Senator Hartsell and Senator Stevens as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (*continued*)

H.B. 842 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS, upon second reading.

Without objection, Senator Hartsell 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 reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Tuesday, July 31, upon third reading.

H.B. 1027 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE OCCUPANCY TAX FOR THE TOWN OF JONESVILLE, TO AUTHORIZE YADKIN COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY, AND TO AUTHORIZE THE TOWN OF YADKINVILLE TO LEVY AN OCCUPANCY TAX, upon second reading.

The Senate Committee Substitute bill passes its second 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, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett,

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Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Weinstein---45.

Voting in the negative: Senators Brock, East, Forrester, Pittenger and Tillman---5.

The Senate Committee Substitute bill remains on the Calendar for Tuesday, July 31, upon third reading.

S.B. 1352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE GAP FUNDING FOR PROJECTS BONDED BY THE NORTH CAROLINA TURNPIKE AUTHORITY, upon third reading.

Without objection, 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 third reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein---42.

Voting in the negative: Senators Berger of Rockingham, Brock, East, Jacumin and Tillman---5.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 177 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGE BOARDS TO SECURE LOANS UNDER THE ENERGY IMPROVEMENT LOAN PROGRAM, upon third reading.

The Committee Substitute bill No. 2 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---50.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor by special message.

H.B. 628 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A UNIFORM CO-PAYMENT SCHEDULE FOR MH/DD/SA SERVICES AS RECOMMENDED BY THE JOINT

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LEGISLATIVE OVERSIGHT COMMITTEE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, as amended on second reading, upon third reading.

The Senate Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 40, noes 10, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Garrou, Goss, Graham, Hagan, Hartsell, Hoyle, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein---40.

Voting in the negative: Senators Berger of Rockingham, Brock, Brown, East, Goodall, Hunt, Pittenger, Preston, Smith and Tillman---10.

The Senate Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 1259, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE PASS-THROUGH ENTITY ALLOCATION PROVISIONS OF THE HISTORIC REHABILITATION TAX CREDIT, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---50.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor by special message.

S.J.R. 1569, A JOINT RESOLUTION HONORING THE ACCOMPLISHMENTS OF JOE THOMPSON AND THE LATE ODELL THOMPSON, LEGENDARY NORTH CAROLINA MUSICIANS.

Upon motion of Senator Rand, S.J.R. 1569 is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Upon motion of Senator Foriest, 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 Foriest:

“Many times, ladies and gentlemen, we have jewels in our midst and we sometimes fail to recognize them. As some people would put it, sometimes we don’t miss our water until the well runs dry. It seems to be that a lot of the little things really make the difference and sometimes we take those things for granted. On June 29, 2007, the National Endowment of the Arts announced the

2007 recipients of the NEA National Heritage Fellowships Award. This is the Country's highest honor in the folk and traditional arts. Twelve fellowships were presented to honorees from nine different states. The awardees were chosen from among two hundred and fifty-nine nominations on the basis of their artistic excellence, cultural authenticity, and contributions to their field. I can't tell you how proud we are in Alamance County and in the Mebane area to uplift the name of Joe Aquilla Thompson as a recipient of this award. Permit me if you will to acknowledge that I have not always been a fan of folk music, Senator Queen. Like many of my contemporaries, I grew up pretty much in the rock and roll era so finding out that there were African Americans who not only played the fiddle but were good enough at it to be invited to perform all over the world was extremely exciting. Joe has played from Port Townsend, Washington to Carnegie Hall in New York to Brisbane, Australia. Most of us understand the impact of the Nation's music heritage through spirituals, through gospel, jazz, disco, and even rap, Senator Weinstein. Yet, most of us do not know about contributions to string band music. The banjo and fiddle make up the band and the music is often called folk, country or even square dance. Whatever its roots, string band music thrived in rural black communities in the South from slavery until the late 1950's. Joe learned to play the fiddle from his father, John Arch Thompson, who in turn learned from his father, Robert Thompson, who started life as a slave field hand. Almost born with a fiddle in his hand, Joe sat at his father's feet internalizing the tunes his father, brothers and uncles played. He received his own fiddle at five years of age and helped to play at house parties and corn shuckings. Joe, Nate, and their cousin, Odell Thompson, all grew up on the Alamance-Orange County line near Mebane, North Carolina, in the High Rock Community of Northern Orange County. Born and raised in rural North Carolina, Odell in 1911, Joe in 1918, they grew to adulthood helping their families tend crops of tobacco, cotton, corn, and wheat. Music making was valued and the sounds of the banjo and fiddle could be heard whenever work was done. This experience lasted until Joe grew up and was drafted in World War II. After the war, tastes in this Country changed quite a bit. The music may have been lost if not for a professor from George Washington University who found Joe and his cousin, Odell, and convinced them to play again. The early 1970's brought a revival of interest in African-American folk music tradition. Joe on the fiddle, Odell on the guitar and banjo, what a combination! I can only imagine the good times and joy these men brought to their community. They complemented each other well until Odell's death in 1994. Joe has continued to play the fiddle, teaching and mentoring a new generation of string band musicians. Joe is considered by many to be the oldest and one of the last African-American fiddlers in North Carolina. Even now, Joe travels with a local group, the 'Chocolate Drops' as they continue to spread good will and good music throughout the State and this Nation. He has become a national and international celebrity because of his fiddle playing. He remains a vital, dynamic fiddler with a distinctive short bow action that brings rare life to both black and white traditions. Thank you, Joe, for the pride you have brought to us, the tradition you have kept alive and for your overall service to North Carolina

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as a model citizen and an ambassador of good will. You are indeed a jewel in this wonderful state of 8.5 million people who call North Carolina home. Joe is joined, Mr. President, in the gallery by many relatives, friends and members of the 'Chocolate Drops' and at the appropriate time, Mr. President, it would probably be appropriate to recognize them if you so see fit. Members of the Senate, I commend this resolution to you."

Senator Kinnaird:

"I am so proud to have this Orange County treasure with us. It's true that for a while Joe Thompson sort of fell out of the public eye, but we in Orange County always knew he was there and you couldn't open up the Orange County paper from time to time without a new article because he is a treasure in Orange County. One of the things we have in our University is a Journalism School so when they were looking for interesting stories they would always go to Joe Thompson and we were very proud because this tradition was kept alive when it was, unfortunately, not in favor. But I want to tell you it's always been in favor in our area because of Joe Thompson. He may be the last African-American fiddler but I don't think so because the 'Chocolate Drops', this wonderful group that's got more energy and vitality, heard about Joe Thompson. They are a group of young African-Americans who traditionally would have gone into some other form of music but they heard him and they went to him and said they wanted to learn. Now they are going all over the Country with this wonderful energy that they learned from Joe Thompson and other young people are now flocking to learn this. We feel that this is being carried on and his recognition is so appropriate for all of these institutions and all of these countries because this is a music that is so energizing and speaks to so many people. You just can't keep your feet still when you hear it. I am very pleased that this is our Orange County, wonderful Joe Thompson and I commend the resolution to you."

Senator Queen:

"I want to stand to speak on the value of these two brothers and their contribution to fiddling and string music in this State. North Carolina is known for its string music and fiddling but it's usually thought of as a mountain endeavor and, of course, it's very strong in the mountains. I want to tell you that this State has many treasures, many folk-life treasures that we need to pay attention to in this General Assembly. In the West we have a very strong initiative called the Blue Ridge National Heritage Area Initiative and we need to do those kinds of folk-life initiatives all across our State because the music in the Piedmont is some of the strongest and finest in the world and it is being passed without notice and it's great to have this resolution. It's great to have the memories of Odell and his brother here today with us to bring this to our attention because great music is all across this great State and it needs to be recognized. I also want to recognize the African-American component to the fiddling of North Carolina, the fine fiddling of North Carolina. In the mountains, the African-American fiddlers were very strong as were the Cherokee fiddlers. My grandfather learned to square dance from an African-

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American. He credits Mr. John Love, both of them were Loves, but he was Sam Love and John Love was a blacksmith who had been a slave who helped him learn to square dance as a young man. The African-American component to what we call mountain music and the string band tradition of North Carolina is long heralded in our area and I'm glad to bring it to the State's attention here today. Thank you."

Senator Albertson:

"Members of the Senate, I'll be very brief. Joe, it's good to have you here with us today. I never have had the opportunity to meet you but I can tell you I have heard a great deal about you and what I find most interesting about your life history is that when you went into service for all those years you were kind of out of the music business. Then you came back later in the latter part of your life and have done your very best. We admire you and appreciate you so very much for your contributions that you have made and continue to make. I want to tell you this. Senator Bingham plays a banjo a little bit and I play a guitar a little bit less than that, so maybe sometime the three of us can get together and you can teach us some tricks and we might make a little music. God bless you and I commend this resolution to you."

Senator Shaw:

"It's not very often that we get a resolution within a resolution and I want to thank Senator Foriest for bringing out these points here today because this is a national treasure. Pardon me for saying, but I think you struck a chord within this Assembly today and one thing that has been proven is that music is universal. Thank you. I ask you to support the resolution."

The joint resolution passes its second reading (49-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Foriest the Chair extends the courtesies of the gallery to Joe Thompson, the well-renown fiddler; Pauline Thompson, Joe Thompson's wife; Elvira Patricia Thompson, niece; George Wynder Thompson, first cousin; Susie Thompson, Odell Thompson's widow and the Chocolate Drops who are as follows: Justin Robinson, Dom Flemons, and Rhiannon Giddens.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 668 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 668 earlier today and the motion by Senator Cowell to appoint conferees

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having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Cowell, Chair, Senator Berger of Franklin 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2069, A JOINT RESOLUTION HONORING THE FOUNDERS OF MARS HILL COLLEGE DURING THE COLLEGE'S ONE HUNDRED FIFTIETH ANNIVERSARY.

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 Shaw, the remarks of Senator Queen are spread upon the Journal, as follows:

Senator Queen:

“Mars Hill College is one of the great educational institutions in Western North Carolina offering a quality education to our young people in that region as well as all across the Nation. This year, they will celebrate their 150th Anniversary. They were one of the first colleges, if not the first, I believe, in Western North Carolina. They have served our citizens well with a fine liberal arts education. They are a growing campus and they have a wonderful Museum of Appalachia on their campus. They have a great community life and continuing education and collaborative educational opportunities with public schools and youth throughout the region. I am very excited about their 150th Anniversary and look forward to another 150 years for them. I commend the resolution to you.”

The joint resolution passes its second reading (49-0) and third reading with members standing and is ordered enrolled. (Senator Rand was not in the Chamber for the second reading vote and requested that his aye vote on third reading be noted in the Journal.)

Upon motion of Senator Queen the Chair extends the courtesies of the gallery to Ms. Gwen Davis, member of the Mars Hill College Board of Advisors; and Mr. John Hatcher, member of the Mars Hill College Foundation Board.

CONFERENCE REPORT

Senator Purcell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1294** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES, submits for adoption the following report:

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To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1294, A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES, Senate Health Care Committee Substitute Adopted 7/11/07, Fifth Edition Engrossed 7/18/07, submit the following report:

The House concurs in the Senate Health Care Committee Substitute Adopted 7/11/07, Fifth Edition Engrossed 7/18/07, with an amendment as follows, and the Senate agrees to the same:

on page 3, line 36, add the following at the end:

"**SECTION 4.1** Effective January 1, 2008, G.S. 130A-493(c), as enacted by S.L. 2007-193, reads as rewritten:

"(c) The individual in charge of the State government building or the individual's designee shall post signs in conspicuous areas of the building. The signs shall state that "smoking is prohibited" and may include the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. In addition, in any State psychiatric hospital, the person who owns, manages, operates, or otherwise controls the hospital shall:

- (1) Direct any person who is smoking inside the facility to extinguish the lighted smoking product.
- (2) Provide written notice to individuals upon admittance that smoking is prohibited inside the facility and obtain the signature of the individual or the individual's representative acknowledging receipt of the notice."

Further moves to amend the bill on page 3, line 40, by adding the following at the end of the line:

"G.S. 130A-493(c)(2), as enacted by this act, applies to individuals admitted to the hospital on or after January 1, 2008."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 30, 2007.

Conferees for the Senate

Conferees for the House of Representatives

S/William R. Purcell, Chair
S/James Forrester, Chair

S/Julia C. Howard, Chair
S/Hugh Holliman
S/Bob England, M.D.

The Conference Report is placed on the Calendar for Tuesday, July 31, for adoption.

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CALENDAR *(continued)*

S.B. 358, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE BENTONVILLE BATTLEFIELD FUND IN THE DIVISION OF STATE HISTORIC SITES.

Upon motion of Senator Smith, the Chair orders, without objection, the bill temporarily displaced.

H.B. 671 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD.

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.

H.B. 966 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM AUTHORIZING THE IMPLEMENTATION OF ALTERNATIVE TEACHER SALARY PLANS.

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.

H.B. 1685 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED REQUIREMENTS TO ALLOW FOR AN EXPEDITED REVIEW PROCESS FOR AN ADULT CARE HOME OR A NURSING HOME TO RELOCATE WITHIN THE SAME COUNTY.

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.

H.B. 1817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS REGARDING COVERED LOANS AND TO INCREASE THE COMMISSIONER'S DISCIPLINARY AUTHORITY OVER LICENSEES UNDER THE MORTGAGE LENDING ACT.

Upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 31.

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S.B. 1517 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSPICUOUS DISCLOSURE OF ANY MAINTENANCE FEES CHARGED FOR GIFT CARDS AND TO PROHIBIT ISSUERS OF GIFT CARDS FROM CHARGING MAINTENANCE FEES FOR ONE YEAR AFTER THE DATE OF PURCHASE, as amended on second reading.

The Committee Substitute bill No. 2, as amended, passes its second (46-4) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 2067 (Committee Substitute), A JOINT RESOLUTION ACKNOWLEDGING THE CONTRIBUTIONS OF THE SCOTS AND SCOTS-IRISH TO NORTH CAROLINA.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on the Calendar for immediate consideration.

Upon motion of Senator Shaw, the remarks of the Members are spread upon the Journal, as follows:

Senator Queen:

“The Scotch-Irish have been an extremely important part of this State and their contribution to my region is particularly strong. The Blue Ridge National Heritage area identifies the Scotch-Irish migration as one of the most important aspects to Western North Carolina. I think I might have mentioned this to you before. It began literally in September of 1776 with the Rutherford Trace, where over 2,700 patriots from across the Western Frontier of which the vast majority were Scotch-Irish marched up Swannanoa Gap and burned all the Indian towns of Western North Carolina and that is generally considered the Scotch-Irish Trail. They continued to add leadership and innovation to America. Their contributions are renowned. The Declaration of Independence was modeled after much of their fights for liberty in their homeland. They came here really as refugees for liberty and they added a great deal to the spirit of 1776. I commend the resolution to you.”

Senator Forrester:

“Mr. Chairman, being a native of Scotland, Aberdeen, Scotland, and being a naturalized citizen, I certainly have to get up and support this resolution. My father and mother were both born in Scotland and my father was a professional golfer in the Scottish Open in 1934. I would be a good golfer, perhaps, if he was still living, but he died when I was eighteen months old. We came to this

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Country and were stuck here during World War II. My mother worked in the shipyard and after the war we were sent back to Scotland. Since we were not citizens, we were not allowed to stay in this Country so we went back and spent about a year and a half and came back to this Country and became naturalized citizens. So I am very supportive of this resolution. There is a lot of Scottish heritage in North Carolina. The Highland Games were here two weeks ago at Grandfather Mountain. It was a great event. Many of you need to go to that sometime. I strongly support the resolution and ask you to do so. Thank you, Mr. President.”

Senator Hagan:

“I am pleased to see this resolution. My maiden name is Ruthven and it is from Scotch-Irish descent and in Scotland there is a Castle called the Lord Ruthven Castle and my family went to visit it a number of years ago. It’s not in great repair but I still wish it was in the family! Lord Ruthven was a Lord in Scotland and he was beheaded by Mary, Queen of Scots. There’s a lot of history with the Ruthvens and I went to the Highland Games last year and there was this huge Ruthven clan with the tartans and all the memorabilia and it was a delight to see that in North Carolina. Thank you.”

Senator Rand:

“The Cape Fear region was settled by the Highland Scots and those families still live there today. When you go to Fayetteville, you see the Highland this and the Highland that. My secretary is from Scotland. She recently went back to Scotland to visit her mother. In her time in England and Scotland, she worked for the Marquis of Salisbury at Hatfield House. I told her she had significantly stepped down in class! She agreed with that! She is very proud of her Scottish heritage and the people of Scotland have done a great deal for the Cape Fear Region so I am delighted to see this resolution before us.”

Senator Forrester:

“One quick response to Senator Hagan. I do have my own Coat of Arms, the Forrester Coat of Arms. I petitioned the Queen of England and the Lord Lyon of Scotland who was nice enough to grant us that petition to do that. It was designed over a three to four year period and it has something on my father’s life with crossed golf clubs, my life with the caduceus, a medical star on there for my rank in the military and on the bottom it has the State Seal of North Carolina so it’s all involved in that Coat of Arms. It is in my office if you’d like to look at it sometime.”

Senator Tillman:

“Senator Forrester is also ‘Sir Senator Jim Medical Doctor Forrester.’ He has a lot of titles but he has been knighted by the Queen and he didn’t tell you that, Senator Hagan, but you need to know that about Senator Forrester. He is Sir Forrester. Thank you.”

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Senator Forrester:

"I'd like to thank you. It wasn't the Queen of England, it was Don Duarte, the heir to the throne of Portugal, who knighted me a Portuguese Knight, not an English Knight! But thank you. I appreciate it very much!"

Senator Purcell:

"Being from Scotland County, I must speak on this resolution. My ancestors came from Castle Sween, which is in Scotland. Of course, they were not in the castle, they were working in the fields outside the castle. But anyway, with due respect to Senator Rand, the earliest Scottish settlers in North Carolina came up the Cape Fear River and they got to Fayetteville and there was a sign there that said, 'Better land south of here', and those who could read went on down to Scotland County! Scottish people have a great heritage in North Carolina. I'm pleased to support this resolution."

Senator Smith:

"I am also of Scotch-Irish descent and one of the best books that I have ever read was written by the newly-elected Democratic Senator from the State of Virginia, James Webb. He wrote a book called *Born Fighting* and it is about the Scotch-Irish and the contributions that they have made to the world and to the United States. North Carolina plays a big part in that and at the risk of being too long, I think there are two important things. When the Romans came and took over and conquered England, they got to Hadrian's Wall and they tried to go conquer Scotland. But they never could conquer Scotland because the Scots would fight the Romans and when the Romans would get into Scotland they would go get in the swamp and they would stay submerged in the water for days until the Romans would leave. Then they would come back out and fight again. So the Scots were never conquered by the Romans. Then he goes on and talks about Scottish history and how Scots went to Ireland and stayed in the Ulster, Northern Ireland area. Sometimes think and talk about the Protestant Reformation between Protestants and Catholics and how that history affects us today, but the truth of the matter was that there was a triangle going on and that religious triangle had a great effect upon our Country. You had a battle between the Catholics and between the Anglican Church of England and the Scottish Kirk, or Presbyterians, that had settled in Northern Ireland. The Scottish Presbyterians were attacked not only by the Catholics but also by the Anglicans from England and it is because of their persecution that they came to this Country and most of them came in through Philadelphia and then they migrated down to the western part of our State. At that time, our State was settled primarily by the English and the eastern part of our State, the plantations, that's where the government was and the only religion that was allowed in this State was the Anglican religion. The Scotch-Irish who came and settled our mountains wanted to worship as protestants and as Presbyterians and the Royal Provincial Government allowed that because they performed a useful function in our State in that they kept the Indians off of the settlers in the Eastern part of our State. They were permitted to settle our mountains and to settle the Western

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Piedmont to work the farms and to worship as they chose. That was an important thing that happened in our State and all across the United States because when the Revolutionary War started, over half of the soldiers who fought in that war were from Scotch-Irish descent. There were even reports that went back to the King of England that said this is a Scotch-Irish War, this is a Presbyterian war to fight for the problems that they had in Northern Ireland. But in any way, the Scotch-Irish played a key role in us winning our independence and probably we all know that one of the most important battles of the Revolutionary War was Kings Mountain because the British had started and they had captured South Carolina. They were moving and if they had been allowed to move through the South, the chance of us winning that war was not very good. But because of the Scotch-Irish who fought in Kings Mountain and repelled the Redcoats in a tremendous victory that turned the tide of the Revolutionary War, this Country has its independence. We, as a State and as a Nation, owe a lot to them. As Senator Joe Sam Queen talked about, our Declaration of Independence and many of the documents that we have in this Country were patterned after the Scotch-Irish. Some of the famous, including John Locke and other famous philosophers from Scotland, had great influence. Mr. Witherspoon, who was the President of Princeton came from Scotland and had a great influence on our Constitution. We owe a lot to the Scotch-Irish and I, too, want to commend this resolution to the Senate.”

Senator Kinnaird:

“Since my family had always traced their ancestry to England back to 1347, I was very surprised to find that my mother’s maiden name is right on here – Governor Thomas Pollock, so I think I’ll have to go back and look at my tree again. But the more significant fact is that my former husband, of course named Kinnaird, went back on a trip to Scotland and he found a Kinnaird Town, a Kinnaird Castle, and a Kinnaird Point, and when he came back, people would say what did you enjoy most about your trip to Scotland and he said that ‘everybody pronounced my name right!’”

Senator Preston:

“Having also come from the Scotch-Irish and being a Presbyterian and a conservative, it was sort of natural for me to attend Flora MacDonald College in Red Springs which is in Robeson County, a neighbor to Dr. Purcell and very close to our Senator Rand. I learned a lot about that part of the State when I attended Flora MacDonald College and, of course, you didn’t leave Flora MacDonald unless you learned to do the Highland Fling and I bet Senator Queen knows how to do the Scottish Fling. If you remember, Presbyterian College, Flora MacDonald and the Presbyterian Junior College for Men which was very close by merged together some years ago and became St. Andrews College which is in Laurinburg and I know you know that beautiful campus and the good it does in educating our students. I am very proud to have been a part of Flora MacDonald. Thank you.”

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Senator Clodfelter:

“Mr. President, despite the speeches that have been made in support of this resolution, those of us of German ancestry are reluctantly going to vote in favor of it!”

Senator Atwater:

“Members of the Senate, I noted that Senator Forrester made mention of a star being incorporated into his Coat of Arms and that star represents his rank of Retired Brigadier General in the United States Air Force Medical Corps and we are proud of him for that achievement. I, too, am Scotch-Irish and also a veteran of the U. S. Air Force, but I was not a general!”

The joint resolution passes its second reading (50-0) and third reading with members standing and is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

H.B. 1786 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PROMOTERS OF TOUGHMAN MATCHES IN NORTH CAROLINA TO ACQUIRE LIABILITY INSURANCE, referred to the **Commerce, Small Business and Entrepreneurship Committee** on May 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce, Small Business and Entrepreneurship 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, Small Business and Entrepreneurship Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR (*continued*)

S.B. 320 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF ADMINISTRATION TO DEVELOP AND ADMINISTER A STATEWIDE UNIFORM CERTIFICATION PROGRAM FOR HISTORICALLY UNDERUTILIZED BUSINESSES DOING BUSINESS WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS, AND POLITICAL SUBDIVISIONS OF THE STATE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dorsett, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 490 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO REGULATION UNDER THE BUILDING CODE, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 728 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE MEDIATION IN DISTRICT CRIMINAL COURTS AND TO ESTABLISH A PROGRAM WITHIN THE DISPUTE RESOLUTION COMMISSION FOR THE CERTIFICATION OF MEDIATORS WORKING IN THE DISTRICT CRIMINAL COURTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 806 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO LENGTHEN THE TIME GOODS PURCHASED BY PAWNBROKERS MUST BE HELD BEFORE RESALE, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Pittenger, the Senate concurs in the House Committee Substitute bill No. 2 (49-1) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1096 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INMATE WORK ASSIGNMENTS FROM THE STATE SURPLUS LAWS, TO REMOVE ANTIQUATED LANGUAGE REGARDING THE USE OF FEMALE INMATES IN PRISON LABOR PROJECTS, AND TO CLARIFY THE LAW REGARDING THE GIFT OR SALE OF CRAFT ITEMS MADE WITH DONATED SUPPLIES AND EQUIPMENT BY VOLUNTEERS WHO ARE INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Snow, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1115 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM FOR LATERAL ENTRY TEACHERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hagan, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1147 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A COPY OF THE REGISTRATION CARD ISSUED FOR A DEALER REGISTRATION PLATE BE IN THE VEHICLE, TO MODIFY

RETENTION AND INSPECTION PROCEDURES FOR DEALER RECORDS, TO CLARIFY WHEN A VEHICLE MUST BE INSPECTED, AND TO CLARIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1240 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ALL BREAD SOLD AT A BAKERY THRIFT STORE IS TAXED AT THE SAME SALES TAX RATE, for concurrence in House Amendment No. 1.

Upon motion of Senator Kerr, the Senate concurs in House Amendment No. 1 (49-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1245 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO RETAINAGE PAYMENTS ON PUBLIC CONSTRUCTION CONTRACTS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill No. 2 (50-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1277 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL VEHICLES TRANSFERRED TO OR PURCHASED BY THE STATE THAT ARE DESIGNED TO OPERATE ON DIESEL FUEL SHALL BE COVERED BY AN EXPRESS MANUFACTURER'S WARRANTY THAT ALLOWS THE USE OF B-20 FUEL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Snow, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1383 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED OR LEASED LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED, HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD CAUSE SUBSTANTIAL HARM TO THE LAND OR THE ENVIRONMENT, AND TO ALLOW THE PUBLIC TO USE THE LAND FOR THE PURPOSE OF HIKING OR WALKING, for concurrence in the House Committee Substitute bill No. 2.

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Upon motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill No. 2, (49-1) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1546 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hoyle the Senate fails to concur in the House Committee Substitute bill (0-50).

Senator Hoyle offers a motion that the Senate appoint conferees, which motion prevails.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 1473 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, for adoption upon third reading.

Upon motion of Senator Rand, the Conference Report is adopted on its third reading, by roll-call vote, ayes 31, noes 19, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goss, Graham, Hagan, Hartsell, Hoyle, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Soles, Swindell and Weinstein---31.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Preston, Smith, Snow, Stevens and Tillman---19.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 358, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE BENTONVILLE BATTLEFIELD FUND IN THE DIVISION OF STATE HISTORIC SITES, temporarily displaced earlier today.

Senator Smith offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1546 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1546 earlier today and the motion by Senator Hoyle to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chair, Senator Apodaca and Senator

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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 Dannelly, seconded by Senator Hoyle, the Senate adjourns subject to receipt of messages from the House of Representatives, conference reports, committee reports and appointment of conferees, referral and re-referral of bills and ratification of bills to meet Tuesday, July 31, at 4:30 P.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 30, 2007

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. 1473** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

When a similar action has been taken on the part of the Senate, 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 28, 2007

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. 767** (Committee Substitute No. 2), A BILL TO

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BE ENTITLED AN ACT TO ALLOW ALL LAW ENFORCEMENT OFFICERS AND ALL FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES PERSONNEL THROUGHOUT THE STATE TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES; TO ALLOW CERTAIN MUNICIPAL AND COUNTY EMPLOYEES CURRENTLY AUTHORIZED TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES TO CONTINUE; TO REPEAL LOCAL ACTS ON THE SUBJECT; AND TO MANDATE THAT ATV SAFETY COURSES BE APPROVED BY THE COMMISSIONER OF INSURANCE.

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 30, 2007

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 668** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS, and requests conferees, Speaker Hackney appoints:

Representative Harrison, Chair
Representative Carney
Representative Underhill, and
Representative Thomas

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. 15 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HAMPSTEAD, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 16 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 489 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX OF THE CITY OF LUMBERTON, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 556 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING OR STRUCTURE CODE, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 616 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF RIVER BEND TO ANNEX AND EXERCISE EXTRATERRITORIAL JURISDICTION AS PROVIDED UNDER GENERAL LAW, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 744 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE TEN PERCENT CEILING ON THE EXPENSE RESERVE FUND OF THE NORTH CAROLINA REAL ESTATE COMMISSION UNDER THE REAL ESTATE LICENSING LAWS AND TO ALLOW THE REAL ESTATE COMMISSION TO SERVE NOTICE OF

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HEARING BY FIRST-CLASS MAIL ON APPLICANTS REQUESTING HEARINGS REGARDING THE APPLICANTS' CHARACTER OR FITNESS FOR LICENSURE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 768 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA RECREATIONAL THERAPY LICENSURE ACT TO EXEMPT CERTAIN PERSONS EMPLOYED UNDER THE DIRECTION OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNTIL JULY 1, 2010, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 1032 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE TIME LIMITATIONS ON OVERPAYMENT RECOVERY UNDER THE PROMPT CLAIM PAYMENTS STATUTE AND TO REQUIRE THAT INSURERS OFFERING HEALTH BENEFITS PLANS PROVIDE INSURANCE IDENTIFICATION CARDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 1117 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN CIVIL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE INTO THE JURY ROOM EXHIBITS INTRODUCED INTO EVIDENCE AND PASSED TO THE JURY IN THE COURSE OF THE TRIAL, PHOTOGRAPHS ADMITTED INTO EVIDENCE, SHOWN TO THE JURY AND USED BY ANY WITNESSES IN THEIR TESTIMONY, AND ANY ILLUSTRATIVE EXHIBIT ADMITTED INTO EVIDENCE AND USED BY ANY WITNESSES IN THEIR TESTIMONY EXCEPT SUMMARIES OF TESTIMONY, LISTS MADE IN THE COURTROOM AND SUCH SIMILAR DOCUMENTS AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY, AND TO PROVIDE THAT DEPOSITIONS MAY ONLY BE TAKEN INTO THE JURY ROOM WITH CONSENT OF THE PARTIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 1211 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE FINGERPRINTING OF ANY PERSON ARRESTED FOR ANY OFFENSES INVOLVING IMPAIRED DRIVING OR FOR DRIVING WHILE LICENSE REVOKED, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Tuesday, July 31, for concurrence in House Amendment No. 1.

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S.B. 1364 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SECONDARY PURCHASERS OF MOTOR VEHICLES FOR SCRAP METAL OR SALVAGE PARTS TO MAINTAIN RECORDS, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Tuesday, July 31, for concurrence in House Amendment No. 1.

S.B. 1457 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BONDS FOR CONTRACTS ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMISSION CONTRACTORS WHO OPERATE LICENSE PLATE AGENCIES, TO ADD CHARLOTTE TO THE DIVISION OF MOTOR VEHICLES OPERATED REGISTRATION OFFICES, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO HAVE AT LEAST TWO AUTHORIZED ONLINE MOTOR VEHICLE REGISTRATION VENDORS APPROVED FOR CONTRACTING AT ALL TIMES, AND TO AUTHORIZE COMMISSION CONTRACT AGENTS TO CONTRACT WITH ONLINE DEALER REGISTRATION VENDORS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 1527 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS RELATING TO LICENSING OF INSURANCE PRODUCERS AND BAIL BONDSMEN; TO MAKE CHANGES IN THE FEE STRUCTURES FOR AGENTS AND ADJUSTERS; TO AUTHORIZE THE OUTSOURCING OF CERTAIN FUNCTIONS RELATING TO THE ADMINISTRATION OF CONTINUING EDUCATION AND ADMINISTRATIVE PROGRAMS; TO REQUIRE THE DEPARTMENT OF INSURANCE TO STUDY ISSUES RELATED TO LIFE INSURANCE BENEFICIARY NOTIFICATION; TO EXEMPT INSURERS FROM AUTOMATIC RENEWAL DISCLOSURE CLAUSE REQUIREMENTS; TO INSTITUTE A METHOD OF STREAMLINING CERTAIN APPEALS OF DISPUTES BETWEEN LOCAL INSPECTORS AND PERSONS SUBJECT TO THE STATE BUILDING CODE AND TO REQUIRE THE DEPARTMENT OF INSURANCE TO ISSUE ITS DECISION ON THESE LIMITED APPEALS WITHIN TEN BUSINESS DAYS; AND TO MAKE OTHER SUBSTANTIVE CHANGES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

H.B. 109 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX DEDUCTION FOR VOLUNTEER FIREFIGHTERS AND RESCUE SQUAD WORKERS.

Referred to the **Finance Committee**.

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H.B. 1228 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN INCREASE IN THE PENALTY SET FOR A RED LIGHT VIOLATION DETECTED BY A CAMERA; TO REQUIRE THAT THE CLEAR PROCEEDS OF EACH PENALTY COLLECTED BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; TO DEFINE WHAT AMOUNTS MAY BE DEDUCTED FROM EACH PENALTY BY A MUNICIPALITY TO ARRIVE AT THE AMOUNT OF CLEAR PROCEEDS FROM EACH CIVIL PENALTY THAT MUST BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; AND TO PERMIT A COLLECTION ASSISTANCE FEE TO BE COLLECTED FROM THE RESPONSIBLE PARTY IF THE CIVIL PENALTY IS NOT PAID WITHIN A SPECIFIED TIME.

Referred to the **Finance Committee**.

H.B. 1517 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; AND TO APPROPRIATE FUNDS TO FINANCE THE PROGRAM.

Referred to the **Select Committee on Government and Election Reform**.

H.B. 1780 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH AND COLLECT CERTAIN FEES UNDER THE RADIATION PROTECTION ACT AND TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSESS THE ACTUAL COSTS OF MONITORING OR INVESTIGATION AGAINST PERSONS WHO VIOLATE THE RADIATION PROTECTION ACT.

Referred to the **Finance Committee**.

H.B. 1837 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE STEM CELL RESEARCH HEALTH AND WELLNESS ACT TO PERMIT STEM CELL RESEARCH UNDER LIMITED CIRCUMSTANCES AND TO AUTHORIZE THE HEALTH AND WELLNESS TRUST FUND COMMISSION TO ESTABLISH GUIDELINES FOR STEM CELL RESEARCH GRANTS.

Referred to the **Health Care Committee**.

H.B. 1895 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY A GROSS RECEIPTS TAX ON HEAVY EQUIPMENT PROPERTY RENTALS IN LIEU OF A PROPERTY TAX ON THE EQUIPMENT.

Referred to the **Finance Committee**.

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ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1473, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Select Committee on Government and Election Reform**:

H.B. 1110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE STATE GOVERNMENT ETHICS ACT AND THE LEGISLATIVE ETHICS ACT BY CHANGING IMMEDIATE HOUSEHOLD TO IMMEDIATE FAMILY IN THE STATUTE DEALING WITH DISCLOSURE OF CONFIDENTIAL INFORMATION, DELETING AND RECODIFYING THE SECTION REQUIRING PRIVATE AND PUBLIC ENTERPRISES TO BE LISTED ON A STATEMENT OF ECONOMIC INTEREST FORM, REMOVING JUDICIAL OFFICERS FROM A GIFT BAN EXCEPTION AND MAKING A TECHNICAL CHANGE TO THE GIFT BAN EXCEPTION DEALING WITH EDUCATIONAL MEETINGS FOR PUBLIC SERVANTS, AND ADDING THE TERM "LEGISLATIVE EMPLOYEE" IN THE SECTION DEALING WITH EMPLOYMENT AND SUPERVISION OF MEMBERS OF A LEGISLATIVE EMPLOYEE'S EXTENDED FAMILY, AS RECOMMENDED BY THE HOUSE COMMITTEE ON ETHICS, with an unfavorable report 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, which changes the title upon concurrence to read **H.B. 1110** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE STATE GOVERNMENT ETHICS ACT, THE LEGISLATIVE ETHICS ACT, AND THE LOBBYING LAW, is adopted and engrossed.

H.B. 1737 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE LEGAL EXPENSE FUNDS OF ELECTED OFFICERS TO PROVIDE FOR DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES AND TO LIMIT CONTRIBUTIONS, 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 50768, which changes the title upon concurrence to read **H.B. 1737** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE LEGAL EXPENSE FUNDS OF ELECTED OFFICERS TO PROVIDE FOR DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES, is adopted and engrossed.

H.B. 1743 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ACCEPT ABSENTEE BALLOTS THAT ARRIVE BY FIVE O'CLOCK P.M. ON ELECTION DAY; TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE, ENTERING, OR EXITING THE VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; AND TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN

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THEIR SOFTWARE WARRANTIES, 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 60405, which changes the title upon concurrence to read **H.B. 1743** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE THE VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR SOFTWARE WARRANTIES; TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP; AND TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO

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VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT; AND TO MAKE OTHER AMENDMENTS TO THE ELECTION LAWS, is adopted and engrossed.

By Senator Clodfelter for the **Finance Committee**:

S.B. 915 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND ORGANIZATIONAL CHANGES TO THE LAW REGARDING THE LICENSURE AND INSPECTION OF FACILITIES FOR AGED AND DISABLED INDIVIDUALS, with a favorable report.

H.B. 63, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM PROPERTY TAX REAL AND PERSONAL PROPERTY THAT IS SUBJECT TO A CAPITAL LEASE WITH A LOCAL SCHOOL ADMINISTRATIVE UNIT, with a favorable report.

H.B. 849 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE TOWN OR ON PROPERTY OWNED OR LEASED BY THE TOWN, with a favorable report.

H.B. 1013, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY AN ADDITIONAL ONE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, with a favorable report.

H.B. 1652 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE AN E-911 TELECOMMUNICATOR SPECIAL REGISTRATION PLATE, with a favorable report.

S.B. 91, A BILL TO BE ENTITLED AN ACT TO PROVIDE ENHANCED ECONOMIC DEVELOPMENT INCENTIVES TO ENDANGERED MANUFACTURERS, TO PROVIDE PROPERTY TAX EXCLUSIONS FOR ENDANGERED MANUFACTURERS, TO CLARIFY THAT A LOW-PROFIT LIMITED LIABILITY COMPANY IS A LIMITED LIABILITY COMPANY UNDER STATE LAW, TO ESTABLISH THE NORTH CAROLINA FURNITURE FUND TO RECEIVE STATE AND FEDERAL FUNDING FOR THE FURNITURE INDUSTRY, TO ESTABLISH THE NORTH CAROLINA FURNITURE COUNCIL TO ADMINISTER THE FUND, AND TO APPROPRIATE FUNDS FOR THAT PURPOSE, TO APPROPRIATE FUNDS TO ESTABLISH THE FURNITURE TECHNOLOGY CENTER, TO PROVIDE FOR ADDITIONAL PENALTIES FOR THE UNAUTHORIZED DISCLOSURE OF TRADE SECRETS, AND TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO REGULATION UNDER THE BUILDING CODE, with a favorable report, as amended.

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Pursuant to Rule 45.1, Committee Amendment No. 1, which changes the title to read **S.B. 91**, A BILL TO BE ENTITLED AN ACT TO PROVIDE ENHANCED ECONOMIC DEVELOPMENT INCENTIVES TO ENDANGERED MANUFACTURERS, TO PROVIDE PROPERTY TAX EXCLUSIONS FOR ENDANGERED MANUFACTURERS, TO CLARIFY THAT A LOW-PROFIT LIMITED LIABILITY COMPANY IS A LIMITED LIABILITY COMPANY UNDER STATE LAW, TO ESTABLISH THE NORTH CAROLINA FURNITURE FUND TO RECEIVE STATE AND FEDERAL FUNDING FOR THE FURNITURE INDUSTRY, TO ESTABLISH THE NORTH CAROLINA FURNITURE COUNCIL TO ADMINISTER THE FUND, is adopted and engrossed.

Upon motion of Senator Clodfelter, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1442, A BILL TO BE ENTITLED AN ACT TO CREATE A CIRCUIT BREAKER PROPERTY TAX BENEFIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35429, which changes the title to read **S.B. 1442** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SENIOR CIRCUIT BREAKER PROPERTY TAX BENEFIT, is adopted and engrossed.

H.B. 1381 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA RESPIRATORY CARE BOARD TO RAISE THE CEILING ON CERTAIN LICENSURE FEES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50767, which changes the title upon concurrence to read **H.B. 1381** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA RESPIRATORY CARE BOARD TO RAISE THE CEILING ON CERTAIN LICENSURE FEES AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES, is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 30, 2007

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1546**, A BILL TO BE ENTITLED AN

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ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS, and requests conferees, Speaker Hackney appoints:

Representative Blue, Chair
Representative Weiss
Representative Daughtry
Representative Glazier, and
Representative Hurley

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
Monday, July 30, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Speaker Hackney has made the following changes to the Conference Committee for **H.B. 820**, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN NATURAL RESOURCES LAWS TO CLARIFY THAT DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION:

Representative Carney has been added as a conferee.

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:

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S.B. 242 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE PROCESS FOR ADMINISTRATIVE AND JUDICIAL REVIEW OF DISPUTED TAX MATTERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 1196 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 1332 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES AND AMENDING AND UPDATING CERTAIN OTHER PROVISIONS UNDER THE LAWS REGULATING HEARING AID DEALERS AND FITTERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 1362 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO CLARIFY THE DEFINITION OF DRY-CLEANING SOLVENT, TO AUTHORIZE THE USE OF FUNDS FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR THE INVESTIGATION OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES REASONABLY BELIEVED TO BE CONTAMINATED BY DRY-CLEANING SOLVENT, TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY A PRIVATE CONTRACTOR RETAINED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, TO MODIFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO POTENTIALLY RESPONSIBLE PARTIES, TO AUTHORIZE TEMPORARY RULE MAKING, AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 1495 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A VEHICLE USED TO TOW OR TRANSPORT ANOTHER VEHICLE BE MARKED SO THAT THE OWNER MAY BE IDENTIFIED AND TO ADD AN EXEMPTION FROM THE SEAT BELT LAW FOR DRIVERS OR PASSENGERS OF A RESIDENTIAL GARBAGE OR RECYCLING TRUCK WHILE THE TRUCK IS OPERATING DURING COLLECTION ROUNDS AND WHILE TRAVELING TO AND FROM

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GARBAGE AND RECYCLING MATERIAL LOADING AND UNLOADING LOCATIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 384 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE DISTRIBUTION FORMULA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 530 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT EMITTING DIODE TECHNOLOGIES AND PERMITTING THE CITY OF RALEIGH TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

S.B. 1492 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) TO REPEAL THE EXEMPTION FOR SANITARY LANDFILLS OPERATED BY LOCAL GOVERNMENTS FROM THE REQUIREMENTS FOR ENVIRONMENTAL IMPACT STATEMENTS UNDER THE NORTH CAROLINA ENVIRONMENTAL POLICY ACT OF 1971; (2) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (3) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (4) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (5) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY

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BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (10) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (11) DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT, TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE, AND SITING AND TECHNICAL STANDARDS FOR SOLID WASTE MANAGEMENT FACILITIES; AND (12) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 31, for concurrence.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Finance Committee**:

S.B. 1309, A BILL TO BE ENTITLED AN ACT TO REFORM THE PROPERTY TAX LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15139, which changes the title to read **S.B. 1309** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE DISCREPANCY BETWEEN THE PROPERTY TAX VALUE OF PROPERTY AND ITS MARKET VALUE AND TO TREAT MOBILE HOMES THE SAME AS OTHER HOMES WITH RESPECT TO PROPERTY TAX LIENS, is adopted and engrossed.

S.B. 1081 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR CERTAIN NONVIOLENT CRIMINAL OFFENSES UPON APPLICATION AND A FEE, TO ALLOW DISCLOSURE OF EXPUNGED INFORMATION TO LAW ENFORCEMENT AGENCIES AND OTHER SPECIFIED AGENCIES FOR EMPLOYMENT AND LICENSING PURPOSES AND TO REQUIRE THOSE AGENCIES TO MAINTAIN THE CONFIDENTIALITY OF THE

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EXPUNGED INFORMATION, AND TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES, 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, 75454, is adopted and engrossed.

H.B. 1460 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ATTORNEY GENERAL TO REQUIRE CERTAIN CIGARETTE MANUFACTURERS TO MAKE QUARTERLY ESCROW DEPOSITS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80495, which changes the title upon concurrence to read **H.B. 1460** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ATTORNEY GENERAL TO REQUIRE CERTAIN CIGARETTE MANUFACTURERS TO MAKE QUARTERLY ESCROW DEPOSITS, TO TREAT CERTAIN AFFILIATES OF A MANUFACTURER OF OTHER TOBACCO PRODUCTS AS IF THEY WERE THE MANUFACTURER FOR PURPOSES OF ADMINISTRATION OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, AND TO PROVIDE THAT THE PERMISSION GRANTED TO A CIGARETTE MANUFACTURER TO BE RELIEVED OF PAYING THE CIGARETTE EXCISE TAX APPLIES TO ALL TOBACCO PRODUCTS DISTRIBUTED BY THE MANUFACTURER, is adopted and engrossed.

H.B. 1499 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE HOMESTEAD EXCLUSION INCOME LIMIT TO TWENTY-FIVE THOUSAND DOLLARS FOR NORTH CAROLINA RESIDENTS WHO ARE AT LEAST SIXTY-FIVE YEARS OF AGE OR WHO ARE TOTALLY AND PERMANENTLY DISABLED, 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 70611, which changes the title upon concurrence to read **H.B. 1499** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE BENEFIT OF THE PROPERTY TAX HOMESTEAD EXCLUSION BY RAISING BOTH THE INCOME ELIGIBILITY LIMIT AND THE AMOUNT EXCLUDED FROM TAXATION; TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER AND HOW TO INDEX THE MINIMUM AMOUNT THAT IS EXCLUDED FROM TAX; TO CREATE A SENIOR CIRCUIT BREAKER PROPERTY TAX BENEFIT; TO MODIFY THE PRESENT-USE VALUE REQUIREMENTS FOR AGRICULTURAL LAND USED AS AN AQUATIC SPECIES FARM; AND TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY VARIOUS MODIFICATIONS AND EXPANSIONS TO THE PRESENT-USE VALUE SYSTEM, is adopted and engrossed.

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Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 9:04 P.M.

ONE HUNDRED NINTH DAY

Senate Chamber
Tuesday, July 31, 2007

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:

"John's Gospel starts, 'In the beginning was the Word and the Word was God.' I'm afraid it's our inclination, O God, to make sure we are prayed up at all beginnings like the beginning of this Session back in January. We want your presence from the very start of any new experience, but sometimes our prayers lack enthusiasm as the journey nears the end. But you didn't say, 'I am the Alpha.' You said, 'I am the Alpha and the Omega, the beginning and the end.' Remind us that we need your presence as much in the last days of this Session as we did at its beginning, maybe more. Thank you for being our God from beginning to end. Amen."

The Chair grants leaves of absence for today to Senator East, Senator Garrou and Senator Jones.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, July 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Phillip Moye from Wilmington, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary McCoy from North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

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S.B. 320, AN ACT AUTHORIZING THE SECRETARY OF ADMINISTRATION TO DEVELOP AND ADMINISTER A STATEWIDE UNIFORM CERTIFICATION PROGRAM FOR HISTORICALLY UNDERUTILIZED BUSINESSES DOING BUSINESS WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS, AND POLITICAL SUBDIVISIONS OF THE STATE.

S.B. 490, AN ACT TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO REGULATION UNDER THE BUILDING CODE.

S.B. 728, AN ACT TO ENCOURAGE MEDIATION IN DISTRICT CRIMINAL COURTS AND TO ESTABLISH A PROGRAM WITHIN THE DISPUTE RESOLUTION COMMISSION FOR THE CERTIFICATION OF MEDIATORS WORKING IN THE DISTRICT CRIMINAL COURTS.

S.B. 806, AN ACT TO LENGTHEN THE TIME GOODS PURCHASED BY PAWNBROKERS MUST BE HELD BEFORE RESALE.

S.B. 1096, AN ACT TO EXEMPT CERTAIN INMATE WORK ASSIGNMENTS FROM THE STATE SURPLUS LAWS, TO REMOVE ANTIQUATED LANGUAGE REGARDING THE USE OF FEMALE INMATES IN PRISON LABOR PROJECTS, AND TO CLARIFY THE LAW REGARDING THE GIFT OR SALE OF CRAFT ITEMS MADE WITH DONATED SUPPLIES AND EQUIPMENT BY VOLUNTEERS WHO ARE INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION.

S.B. 1115, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM FOR LATERAL ENTRY TEACHERS.

S.B. 1147, AN ACT TO REQUIRE A COPY OF THE REGISTRATION CARD ISSUED FOR A DEALER REGISTRATION PLATE BE IN THE VEHICLE, TO MODIFY RETENTION AND INSPECTION PROCEDURES FOR DEALER RECORDS, TO CLARIFY WHEN A VEHICLE MUST BE INSPECTED, AND TO CLARIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS.

S.B. 1167, AN ACT DIRECTING THE DEPARTMENT OF ADMINISTRATION TO INFORM COUNTIES AND MUNICIPALITIES BEFORE ACQUIRING LAND WITHIN THEIR BOUNDARIES.

S.B. 1218, AN ACT TO REQUIRE ALL CANDIDATES TO DISCLOSE FELONY CONVICTIONS.

S.B. 1240, AN ACT TO ENSURE THAT ALL BREAD SOLD AT A BAKERY THRIFT STORE IS TAXED AT THE SAME SALES TAX RATE.

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S.B. 1245, AN ACT AMENDING THE LAWS RELATED TO RETAINAGE PAYMENTS ON PUBLIC CONSTRUCTION CONTRACTS.

S.B. 1277, AN ACT TO PROVIDE THAT ALL VEHICLES TRANSFERRED TO OR PURCHASED BY THE STATE THAT ARE DESIGNED TO OPERATE ON DIESEL FUEL SHALL BE COVERED BY AN EXPRESS MANUFACTURER'S WARRANTY THAT ALLOWS THE USE OF B-20 FUEL.

S.B. 1303, AN ACT TO ESTABLISH A MOUNTAIN HERITAGE TROUT WATERS THREE-DAY FISHING LICENSE AND TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ADOPT RULES TO ESTABLISH AND IMPLEMENT A MOUNTAIN HERITAGE TROUT WATERS PROGRAM.

S.B. 1351, AN ACT TO CLARIFY MOTOR VEHICLE FRANCHISE LAWS AS THEY RELATE TO AUTOMOBILE DEALER WARRANTY OBLIGATIONS, CIVIL ACTIONS FOR VIOLATIONS, COERCION, AND INSTALLMENT SALES; AND TO REQUIRE THAT FAIR COMPENSATION BE PAID TO FRANCHISED MOTOR VEHICLE DEALERS TERMINATED AS A RESULT OF INDUSTRY REORGANIZATION.

S.B. 1383, AN ACT TO ALLOW ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED OR LEASED LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED, HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD CAUSE SUBSTANTIAL HARM TO THE LAND OR THE ENVIRONMENT, AND TO ALLOW THE PUBLIC TO USE THE LAND FOR THE PURPOSE OF HIKING OR WALKING.

H.B. 38, AN ACT TO PROVIDE FOR A PUBLIC ALERT TO BE ISSUED WHEN A PERSON WITH DEMENTIA OR OTHER COGNITIVE IMPAIRMENT IS REPORTED MISSING, TO INCLUDE CAREGIVERS AMONG THOSE WHO CAN REPORT AN INDIVIDUAL MISSING, TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE PROVISIONS CONCERNING THE NORTH CAROLINA CENTER FOR MISSING PERSONS, AND TO EXEMPT EMS WORKERS LOCATING MISSING PERSONS FROM THE PRIVATE PROTECTIVE SERVICES ACT.

H.B. 177, AN ACT AUTHORIZING COMMUNITY COLLEGE BOARDS TO SECURE LOANS UNDER THE ENERGY IMPROVEMENT LOAN PROGRAM.

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H.B. 316, AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE TO ESTABLISH AN OBLIGATION TO PROVIDE NOTICE TO ALL PARTIES TO AN ACTION OF RECEIPT OF MATERIAL PRODUCED IN COMPLIANCE WITH A SUBPOENA, AND TO PROVIDE A REASONABLE OPPORTUNITY TO INSPECT SUCH MATERIAL.

H.B. 634, AN ACT TO CLARIFY THE RIGHT TO MAKE ADVANCE DIRECTIVES AND TO DESIGNATE HEALTH CARE AGENTS; AND TO IMPROVE AND SIMPLIFY THE MEANS OF MAKING THESE DIRECTIVES AND DESIGNATIONS.

H.B. 1259, AN ACT TO REMOVE THE SUNSET ON THE PASS-THROUGH ENTITY ALLOCATION PROVISIONS OF THE HISTORIC REHABILITATION TAX CREDIT.

The Enrolling Clerk reports the following bill and joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 562, AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS.

H.J.R. 2067, A JOINT RESOLUTION ACKNOWLEDGING THE CONTRIBUTIONS OF THE SCOTS AND SCOTS-IRISH TO NORTH CAROLINA. (Res. 63)

H.J.R. 2069, A JOINT RESOLUTION HONORING THE FOUNDERS OF MARS HILL COLLEGE DURING THE COLLEGE'S ONE HUNDRED FIFTIETH ANNIVERSARY. (Res. 64)

S.J.R. 1569, A JOINT RESOLUTION HONORING THE ACCOMPLISHMENTS OF JOE THOMPSON AND THE LATE ODELL THOMPSON, LEGENDARY NORTH CAROLINA MUSICIANS. (Res. 65)

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. 18, AN ACT TO AUTHORIZE MCDOWELL COUNTY TO LEVY AN ADDITIONAL TWO PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES. (Became law upon ratification, July 30, 2007 - S.L. 2007-315.)

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S.B. 19, AN ACT TO MAKE A TECHNICAL CORRECTION TO THE DESCRIPTION OF THE BOUNDARY BETWEEN THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE EDGEcombe COUNTY PUBLIC SCHOOL SYSTEM. (Became law upon ratification, July 30, 2007 - S.L. 2007-316.)

S.B. 154, AN ACT TO AUTHORIZE THE TOWN OF DALLAS TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, July 30, 2007 - S.L. 2007-317.)

S.B. 282, AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES. (Became law upon ratification, July 30, 2007 - S.L. 2007-318.)

H.B. 398, AN ACT PROVIDING THE TOWN OF SPRING LAKE AND THE CITY OF WINSTON-SALEM WITH ADDITIONAL OPTIONS FOR SERVICE OF NOTICE OF VIOLATION OF THE CITY'S GARBAGE AND TRASH ORDINANCE AND THE CITY'S OVERGROWN VEGETATION ORDINANCE. (Became law upon ratification, July 30, 2007 - S.L. 2007-319.)

H.B. 1017, AN ACT TO MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET WITHIN THREE NAUTICAL MILES OF THE SHORELINE OF BRUNSWICK COUNTY FROM MAY 1 THROUGH OCTOBER 31 OF EACH YEAR. (Became law upon ratification, July 30, 2007 - S.L. 2007-320.)

H.B. 1213, AN ACT GRANTING AUTHORITY TO THE TOWN OF CARY TO REQUIRE DEVELOPERS OF MULTIFAMILY UNITS TO PROVIDE FUNDS FOR RECREATIONAL LAND TO SERVE MULTIFAMILY DEVELOPMENTS. (Became law upon ratification, July 30, 2007 - S.L. 2007-321.)

Upon motion of Senator Rand and without objection the rules are suspended and all bills reported out of committee will be placed on today's Calendar and are eligible for full-range of readings.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 109 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX DEDUCTION FOR VOLUNTEER

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FIREFIGHTERS AND RESCUE SQUAD WORKERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10276, which changes the title upon concurrence to read **H.B. 109** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE NORTH CAROLINA CORPORATIONS A LIMITED OPPORTUNITY TO OPT OUT OF THE NORTH CAROLINA SHAREHOLDER PROTECTION ACT AND THE NORTH CAROLINA CONTROL SHARE ACQUISITION ACT AND TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE PROVISIONS IN THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2007, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1786 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PROMOTERS OF TOUGHMAN MATCHES IN NORTH CAROLINA TO ACQUIRE LIABILITY INSURANCE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60406, which changes the title upon concurrence to read **H.B. 1786** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE AND REGULATE MIXED MARTIAL ARTS, AND TO AUTHORIZE THE ALCOHOL LAW ENFORCEMENT DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO ESTABLISH AND RAISE CERTAIN FEES, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1094, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PUNISHMENTS FOR UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, August 1.

WITHDRAWAL FROM COMMITTEE

H.B. 1595 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AGRICULTURAL GROWTH ZONES AND TO ALLOW MORE THAN ONE AGRARIAN GROWTH ZONE IN A COUNTY, referred to the **Agriculture/Environment/Natural Resources Committee** on May 31.

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Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-refers the measure to the **Finance Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hagan for the **Pensions & Retirement and Aging Committee**:

H.B. 777 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, with a favorable report.

The Committee Substitute bill No. 2 is placed on today's Supplemental Calendar.

H.B. 779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT PAYABLE ON BEHALF OF RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, with a favorable report.

The Committee Substitute bill is placed on today's Supplemental Calendar.

S.R. 1570, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF MARK FOSTER MADE BY THE GOVERNOR TO THE BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, favorable as to adoption.

The Senate Resolution is placed on today's Supplemental Calendar.

CONFERENCE REPORT

Senator Malone, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 956** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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MODIFY THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS, 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 956, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS, Senate Education/Higher Education Committee Substitute Adopted 6/27/07 Fifth Edition Engrossed 7/3/07, submit the following report:

The House and Senate agree to the following amendments to the Senate Education/Higher Education Committee Substitute Adopted 6/27/07, Fifth Edition Engrossed 7/3/07, 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 H956-PCCS70610-LL-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 31, 2007.

Conferees for the Senate *Conferees for the House of Representatives*

S/Vernon Malone, Chair	S/Douglas Y. Yongue, Chair
S/A. B. Swindell	S/Joe P. Tolson
S/Jerry W. Tillman	S/Louis M. Pate, Jr.
	S/Becky Carney

The text of the attached Proposed Conference Committee Substitute, H956-PCCS70610-LL-1 is as follows:

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE PROVISION THAT PERMITS RETIRED
TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS
OF RETIREMENT BENEFITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-3(8)c. reads as rewritten:

"c. Should a beneficiary who retired on an early or service retirement allowance under this Chapter be reemployed, or otherwise engaged to perform services, by an employer participating in the Retirement System on a part-time, temporary,

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interim, or on a fee-for-service basis, whether contractual or otherwise, and if such beneficiary earns an amount during the 12-month period immediately following the effective date of retirement or in any calendar year which exceeds fifty percent (50%) of the reported compensation, excluding terminal payments, during the 12 months of service preceding the effective date of retirement, or twenty thousand dollars (\$20,000), whichever is greater, as hereinafter indexed, then the retirement allowance shall be suspended as of the first day of the month following the month in which the reemployment earnings exceed the amount above, for the balance of the calendar year. The retirement allowance of the beneficiary shall be reinstated as of January 1 of each year following suspension. The amount that may be earned before suspension shall be increased on January 1 of each year by the ratio of the Consumer Price Index to the Index one year earlier, calculated to the nearest tenth of a percent (1/10 of 1%).

The computation of postretirement earnings of a beneficiary under this sub-subdivision, who retired on or before October 1, 2007, and who has been retired at least six months and has not been employed in any capacity with a public school for at least six months immediately preceding the effective date of reemployment, shall not include earnings while the beneficiary is employed to teach in a permanent full-time or part-time capacity that exceeds fifty percent (50%) of the applicable workweek in a public school. The Department of Public Instruction shall certify to the Retirement System that a beneficiary is employed to teach by a local school administrative unit under the provisions of this sub-subdivision and as a retired teacher as the term is defined under the provisions of G.S. 115C-325(a)(5a).

The computation of postretirement earnings of a beneficiary under this sub-subdivision, who retired after October 1, 2007, after attaining (i) the age of at least 65 with five years of creditable service; or (ii) the age of at least 60 with 25 years of creditable service; or (iii) 30 years of service;

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and who has been retired at least six months and has not been employed in any capacity with a public school for at least six months immediately preceding the effective date of reemployment, shall not include earnings while the beneficiary is employed to teach in a permanent full-time or part-time capacity that exceeds fifty percent (50%) of the applicable workweek in a public school. The Department of Public Instruction shall certify to the Retirement System that a beneficiary is employed to teach by a local school administrative unit under the provisions of this sub-subdivision and as a retired teacher as the term is defined under the provisions of G.S. 115C-325(a)(5a).

Beneficiaries employed under this sub-subdivision are not entitled to any benefits otherwise provided under this Chapter as a result of this period of employment."

SECTION 2. G.S. 115C-325(5a), which expires August 1, 2007, is reenacted on that date to read:

"(5a) "Retired teacher" means a beneficiary of the Teachers' and State Employees' Retirement System of North Carolina who retired on or before October 1, 2007, and who has been retired at least six months, has not been employed in any capacity for at least six months, immediately preceding the effective date of reemployment, is determined by a local board of education or a charter school to have had satisfactory performance during the last year of employment by a local board of education or a charter school, and who is employed to teach as provided in G.S. 135-3(8)c. A retired teacher at a school other than a charter school shall be treated the same as a probationary teacher except that (i) a retired teacher is not eligible for career status and (ii) the performance of a retired teacher who had attained career status prior to retirement shall be evaluated in accordance with a local board of education's policies and procedures applicable to career teachers.

"Retired teacher" also means a beneficiary of the Teachers' and State Employees' Retirement System of North Carolina who retired after October 1, 2007, after attaining (i) the age of at least 65 with five years of creditable service; or (ii) the age of at least 60 with 25 years of creditable service; or (iii) 30 years of service; who has been retired at least six months, has not been

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employed in any capacity for at least six months immediately preceding the effective date of reemployment, is determined by a local board of education or a charter school to have had satisfactory performance during the last year of employment by a local board of education or a charter school, and who is employed to teach as provided in G.S. 135-3(8)c. A retired teacher at a school other than a charter school shall be treated the same as a probationary teacher except that (i) a retired teacher is not eligible for career status and (ii) the performance of a retired teacher who had attained career status prior to retirement shall be evaluated in accordance with a local board of education's policies and procedures applicable to career teachers."

SECTION 3.(a) Subsection (d) of Section 28.24 of S.L. 1998-212, as rewritten by Section 28.10 of S.L. 2002-126, subsection (a) of Section 31.18A of S.L. 2004-124, Section 7A.1 of S.L. 2005-144, and subsection (a) of Section 7 of S.L. 2007-145, reads as rewritten:

"(d) This section becomes effective January 1, 1999, and expires ~~August 1, 2007.~~ October 1, 2007."

SECTION 3.(b) The introductory language of Section 67 of S.L. 1998-217, as rewritten by Section 28.10 of S.L. 2002-126, subsection (b) of Section 31.18A of S.L. 2004-124, Section 7A.2 of S.L. 2005-144, and subsection (b) of Section 7 of S.L. 2007-145, reads as rewritten:

"**SECTION 67.** Effective January 1, 1999, through ~~August 1, 2007,~~ October 1, 2007. G.S. 135-3(8)c., as rewritten by Section 28.24(a) of S.L. 1998-212 reads as rewritten:"

SECTION 3.(c) Subsection (b) of Section 67.1 of S.L. 1998-217, as rewritten by Section 28.10 of S.L. 2002-126, subsection (c) of Section 31.18A of S.L. 2004-124, Section 7A.3 of S.L. 2005-144, and subsection (c) of Section 7 of S.L. 2007-145, reads as rewritten:

"(b) This section becomes effective January 1, 1999, and expires ~~August 1, 2007.~~ October 1, 2007."

SECTION 3.(d) Subsection (c) of Section 32.25 of S.L. 2001-424, as rewritten by Section 28.10 of S.L. 2002-126, subsection (d) of Section 31.18A of S.L. 2004-124, Section 7A.4 of S.L. 2005-144, and subsection (d) of Section 7 of S.L. 2007-145, reads as rewritten:

"**SECTION 32.25.(c)** This section becomes effective July 1, 2001, and expires ~~August 1, 2007.~~ October 1, 2007."

SECTION 3.(e) Section 57(c) of S.L. 2004-199, as amended by Section 29.28(d) of S.L. 2005-276 and subsection (e) of Section 7 of S.L. 2007-145, reads as rewritten:

"**SECTION 57.(c)** This section expires ~~August 1, 2007.~~ October 1, 2007."

SECTION 3.(f) Section 25 of S.L. 2006-226, as amended by subsection (f) of Section 7 of S.L. 2007-145, reads as rewritten:

"**SECTION 25.(b)** This section becomes effective ~~August 1, 2007.~~ October 1, 2007."

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SECTION 4. Notwithstanding any other provision of law, effective July 1, 2007, each local school administrative unit shall pay to the Teachers' and State Employees' Retirement System a Reemployed Teacher Contribution Rate of eleven and seventy-hundredths percent (11.70%) as a percentage of covered salaries that the retired teachers, who are exempt from the earnings cap, are being paid. Each local school administrative unit shall report monthly to the Retirement Systems Division on payments made pursuant to this section.

Notwithstanding any other provision of law, effective July 1, 2007, any portion of the payment made by a local school administrative unit to a reemployed teacher who is exempt from the earnings cap, consisting of salary plus the Reemployed Teacher Contribution Rate, that exceeds the State-supported salary level for that position shall be paid from local funds.

SECTION 5. If the Internal Revenue Service determines that the provisions of G.S. 135-3(8)c. relating to the computation of postretirement earnings of retired teachers jeopardize the status of the Teachers' and State Employees' Retirement System of North Carolina under the Internal Revenue Code, then the final three paragraphs of G.S. 135-3(8)c. are repealed.

SECTION 6. Section 3 of this act becomes effective July 31, 2007. The remainder of this act becomes effective October 1, 2007, and expires October 1, 2009.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

S.B. 179, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PROSECUTION OF MEDICAID FRAUD BY INCREASING CRIMINAL PENALTIES FOR PROVIDER FRAUD, ESTABLISHING A PRIVATE CIVIL ACTION FOR PROVIDER FALSE CLAIMS, AUTHORIZING INVESTIGATIVE DEMAND PROCEDURES IN CASES OF PROVIDER FRAUD, MAKING IT UNLAWFUL TO ENGAGE IN KICKBACK ACTIVITIES RELATING TO REFERRALS TO AND PURCHASES FOR THE MEDICAID PROGRAM, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO 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 65281, which changes the title to read **S.B. 179** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PROSECUTION OF

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MEDICAID FRAUD BY INCREASING CRIMINAL PENALTIES FOR PROVIDER FRAUD, ESTABLISHING A PRIVATE CIVIL ACTION FOR PROVIDER FALSE CLAIMS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

RECALL FROM ENGROSSING

S.B. 358, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE BENTONVILLE BATTLEFIELD FUND IN THE DIVISION OF STATE HISTORIC SITES.

Senator Rand offers a motion that S.B. 358, as amended on July 30, be recalled from the Engrossing Office for further consideration by the Senate, which motion prevails.

Upon motion of Senator Rand, S.B. 358, as amended, is placed before the Senate for immediate consideration.

Having voted with the majority, Senator Rand offers a motion that the vote by which the bill, as amended, passed its third reading on July 30 be reconsidered, which motion prevails. The question becomes the passage of S.B. 358, as amended, on its third reading. Senator Rand offers Amendment No. 2 which is adopted (47-0).

The bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives by special message.

CALENDAR *(continued)*

H.B. 842 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1027 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE OCCUPANCY TAX FOR THE TOWN OF JONESVILLE, TO AUTHORIZE YADKIN COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE

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UNINCORPORATED AREAS OF THE COUNTY, AND TO AUTHORIZE THE TOWN OF YADKINVILLE TO LEVY AN OCCUPANCY TAX, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: Senators Brock, Forrester and Pittenger---3.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1013, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY AN ADDITIONAL ONE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: Senators Brock, Forrester and Pittenger---3.

The bill remains on the Calendar for Wednesday, August 1, upon third reading.

H.B. 849 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE TOWN OR ON PROPERTY OWNED OR LEASED BY THE TOWN.

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.

S.B. 15 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HAMPSTEAD, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 47, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 16 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS.

Upon motion of Senator Dalton, the Chair orders, without objection, the House Committee Substitute bill temporarily displaced.

S.B. 384 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE DISTRIBUTION FORMULA, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Berger of Franklin, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 43, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: Senators Brock, Forrester and Pittenger---3.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 489 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX OF THE CITY OF LUMBERTON, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Weinstein, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 43, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin,

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Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell and Tillman---43.

Voting in the negative: Senators Brock, Forrester and Pittenger---3.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

WITHDRAWAL FROM COMMITTEE

H.B. 1181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MITCHELL COUNTY TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ESTABLISH A TWO-YEAR MORATORIUM ON PARTICIPATION IN THE PLAN OF LOCAL GOVERNMENTS NOT PARTICIPATING OR AUTHORIZED TO PARTICIPATE AS OF A CERTAIN DATE, referred to the **Select Committee on Employee Hospital and Medical Benefits** on May 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Select Committee on Employee Hospital and Medical Benefits** 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 **Select Committee on Employee Hospital and Medical Benefits** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

CALENDAR *(continued)*

S.B. 530 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT EMITTING DIODE TECHNOLOGIES AND PERMITTING THE CITY OF RALEIGH TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Cowell, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Kinnaird, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---43.

Voting in the negative: Senator Brock---1.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

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S.B. 616 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF RIVER BEND TO ANNEX AND EXERCISE EXTRATERRITORIAL JURISDICTION AS PROVIDED UNDER GENERAL LAW, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Preston, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 398 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIZENS OF UNION COUNTY TO DETERMINE IF DISTRICT REPRESENTATION SHOULD BE IMPLEMENTED FOR THE UNION COUNTY BOARD OF COMMISSIONERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (28-18) and the bill is ordered enrolled.

S.B. 1309 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE DISCREPANCY BETWEEN THE PROPERTY TAX VALUE OF PROPERTY AND ITS MARKET VALUE AND TO TREAT MOBILE HOMES THE SAME AS OTHER HOMES WITH RESPECT TO PROPERTY TAX LIENS, upon second reading.

Without objection, Senator Hoyle requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

Senator Weinstein offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for Wednesday, August 1, upon third reading.

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WITHDRAWAL FROM COMMITTEE

S.B. 91, A BILL TO BE ENTITLED AN ACT TO PROVIDE ENHANCED ECONOMIC DEVELOPMENT INCENTIVES TO ENDANGERED MANUFACTURERS, TO PROVIDE PROPERTY TAX EXCLUSIONS FOR ENDANGERED MANUFACTURERS, TO CLARIFY THAT A LOW-PROFIT LIMITED LIABILITY COMPANY IS A LIMITED LIABILITY COMPANY UNDER STATE LAW, TO ESTABLISH THE NORTH CAROLINA FURNITURE FUND TO RECEIVE STATE AND FEDERAL FUNDING FOR THE FURNITURE INDUSTRY, TO ESTABLISH THE NORTH CAROLINA FURNITURE COUNCIL TO ADMINISTER THE FUND, referred to the **Appropriations/Base Budget Committee** on July 30.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on today's Supplemental Calendar, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Supplemental Calendar.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hagan for the **Appropriations/Base Budget Committee**:

S.B. 914, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE, with a favorable report.

The bill is placed on today's Supplemental Calendar.

S.B. 944, A BILL TO BE ENTITLED AN ACT TO MAKE LEAVING THE SCENE OF AN ACCIDENT WHERE A PERSON SUFFERS SERIOUS BODILY INJURY A CLASS F FELONY, with a favorable report.

The bill is placed on today's Supplemental Calendar.

H.B. 1551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE STATE GOVERNMENTAL ACCOUNTABILITY AND INTERNAL CONTROL ACT; TO ESTABLISH INTERNAL CONTROL STANDARDS FOR STATE GOVERNMENT; AND TO INCREASE FISCAL ACCOUNTABILITY WITHIN STATE GOVERNMENT, with a favorable report.

The Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 586 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE TORT CLAIM LIMIT, with a favorable report, as amended.

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Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

The Committee Substitute bill, as amended, is placed on today's Supplemental Calendar.

S.B. 869 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD FELONY CHILD ABUSE TO THE LIST OF SEX OFFENDER REGISTRY OFFENSES WHEN THE OFFENSE INVOLVES PROSTITUTION OF A JUVENILE OR THE COMMISSION OF A SEXUAL ACT UPON A JUVENILE, TO REQUIRE THAT A SEX OFFENDER REGISTER HIS OR HER ELECTRONIC MAIL ADDRESS OR OTHER ONLINE IDENTIFIER IN THE STATEWIDE SEX OFFENDER REGISTRY, TO ALLOW LIMITED RELEASE OF ONLINE IDENTIFIER INFORMATION IN THE SEX OFFENDER REGISTRY TO CERTAIN ENTITIES THAT PROVIDE ELECTRONIC MAIL SERVICES AND OTHER INTERNET SERVICES FOR THE PURPOSE OF SCREENING ONLINE USERS, TO AUTHORIZE THE COURT TO REVOKE ANY AND ALL LICENSING PRIVILEGES HELD BY A SEX OFFENDER WHO FAILS TO REGISTER, TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP PROCEDURES TO ENSURE TIMELY NOTIFICATION OF THE DIVISION OF CRIMINAL INFORMATION AND SHERIFFS OF PERSONS REQUIRED TO REGISTER WHO ARE NOT SENTENCED TO ACTIVE TIME, AND TO AUTHORIZE FUNDS FOR THE GOVERNOR'S CRIME COMMISSION TO USE TO AWARD AS MATCHING GRANTS TO ELIGIBLE SHERIFFS' OFFICES TO ENHANCE AND SUPPORT THEIR EFFORTS TO ENFORCE THE STATE'S SEX OFFENDER LAWS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

The Committee Substitute bill No. 2, as amended, is placed on today's Supplemental Calendar.

S.B. 1079 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendments No. 1 and No. 2 are adopted and engrossed.

The Committee Substitute bill, as amended, is placed on today's Supplemental Calendar.

H.B. 22, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE TORT CLAIM LIMIT, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

The bill, as amended, is placed on today's Supplemental Calendar.

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H.B. 265 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL AND TO FUND THE NORTH CAROLINA HEALTH INSURANCE RISK POOL FROM SAVINGS TO THE GENERAL FUND REALIZED FROM THE REPEAL OF THE TAX CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH BENEFITS AND FROM OTHER SOURCES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendments No. 1 and No. 2 are adopted and engrossed. Amendment No. 2 changes the title, upon concurrence, to read **H.B. 265** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL.

The Senate Committee Substitute bill, as amended, is placed on today's Supplemental Calendar.

H.B. 1401, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA INTERNAL AUDIT 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 80490, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1761 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT 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 10275, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and the joint resolution is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Dorsett:

S.J.R. 1572, A JOINT RESOLUTION ACKNOWLEDGING THE FINDINGS OF THE 1898 WILMINGTON RACE RIOT COMMISSION.

The joint resolution is placed on the Calendar for Wednesday, August 1.

CALENDAR *(continued)*

H.B. 1652 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE AN E-911 TELECOMMUNICATOR SPECIAL REGISTRATION PLATE, upon second reading.

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The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Wednesday, August 1, upon third reading.

S.B. 16 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS, temporarily displaced earlier today for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Dalton, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 915 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND ORGANIZATIONAL CHANGES TO THE LAW REGARDING THE LICENSURE AND INSPECTION OF FACILITIES FOR AGED AND DISABLED INDIVIDUALS.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special message.

Upon the appearance of Senator East in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 1081 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EXPUNCTION OF CONVICTIONS FOR

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CERTAIN NONVIOLENT CRIMINAL OFFENSES UPON APPLICATION AND A FEE, TO ALLOW DISCLOSURE OF EXPUNGED INFORMATION TO LAW ENFORCEMENT AGENCIES AND OTHER SPECIFIED AGENCIES FOR EMPLOYMENT AND LICENSING PURPOSES AND TO REQUIRE THOSE AGENCIES TO MAINTAIN THE CONFIDENTIALITY OF THE EXPUNGED INFORMATION, AND TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION STATUTES.

The Committee Substitute bill No. 2 passes its second (27-21) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1442 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SENIOR CIRCUIT BREAKER PROPERTY TAX BENEFIT.

Senator Stevens offers Amendment No. 1 which is adopted (46-1).

The Committee Substitute bill, as amended, passes its second reading (48-0).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, August 1, upon third reading.

S.J.R. 1571, A JOINT RESOLUTION HONORING THE MEMORY OF ROBERT RUARK, NOTED NORTH CAROLINA HALL OF FAME AUTHOR AND JOURNALIST.

Upon motion of Senator Hunt, the remarks of the members are spread upon the Journal, as follows:

Senator Rand:

“Robert Ruark was uniquely of North Carolina, I think. The book, *The Old Man and the Boy*, is just a wonderful story about him and about North Carolina. It’s just unique, I think, to what we are and what he was. He, of course, left North Carolina for other places. I remember him and kind of see him as sort of a dashing figure. He was in Africa. The book, *Something of Value*, was wonderful. I remember reading that and it was just wonderfully done. He would come back to Chapel Hill from time to time. I remember a great story about him where I thought he was truly a wonderful man. He bought his old fraternity an ice machine back in the old days. A man that would do that is o.k.! He was looking after the boys around the fraternity house. He was a North Carolinian that carried the flag of North Carolina to Africa and really all over the world where his reputation and his understanding of life and the politics of those areas added a great deal to the commentary of his time. So I think it is fitting that we honor him and recognize him for really what he meant to our State. Some of the members of the Robert Ruark Society are here today with us, Lou Johansen, Julian Mann, Al Adams, and Bill Johnston who is the grandson of Jim Cheatham who really did a lot of things with the Robert Ruark Society. I would ask your support for the resolution that recognizes a truly unique North Carolinian.”

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Senator Kinnaird:

“It is entirely appropriate that we recognize this extraordinary author. He was truly a Renaissance man and, if you read in there, he entered the University of North Carolina at age fifteen and graduated at nineteen and how many of us can say that we brought such brilliance to our University. More importantly, he was a Renaissance man in so many areas. As you just heard, he was interested in sports and he was a storyteller about his early childhood. He went into international areas which were very unpopular at the time revealing terrible things about the British Colonialism in Africa and the need that we should all pay attention. I think that this is someone who has made a difference in many areas, not just in literature but in actually changing policy. He is now in the Literary Hall of Fame in Moore County and the North Carolina Writers Network in Carrboro and truly represents the best of our State. I recommend the resolution to you.”

Senator Boseman:

“Journalist, author, world traveler, sportsman and syndicated columnist, Robert Chester Ruark, spent his childhood years in the Tidewater Regions of North Carolina moving from Wilmington to Southport to live with his grandparents as a young boy. Ruark grew up between the end of the First World War and the beginning of the Great Depression. Judging from his own writings, the greatest influence on him during his childhood was his maternal grandfather, Captain Edward Hall Atkins, who Ruark would later immortalize in his *Old Man and the Boy* stories, the stories telling of his childhood spent hunting and fishing on the Carolina Coast and always learning about life from his wise mentor, the Old Man. Today, he is almost forgotten but for many of us *Horn of the Hunter*, The Old Man books, *Something of Value*, and the body of sporting literature he wrote are a legacy of true literary value. I commend this resolution to you.”

Senator Queen:

“I rise to support the resolution and the memory of Robert Ruark. My relation to Robert Ruark was he was the roommate of my father’s first cousin, my great uncle John Queen, the solicitor’s son, James. James and Robert were roommates at Chapel Hill and they both entered the Navy at the same time. James was killed in a Navy combat where his ship was shot out from under him and he died. They were great friends and all during my youth we spoke of Robert Ruark with great fondness in my household and read his books aloud. I recommend the resolution to you.”

Senator Preston:

“We have been referred to today by one of the most acclaimed works, *The Old Man and the Boy*, which recounts his experiences in Southport under the wise tutelage of his grandfather. The stories of hunting, fishing and training dogs are timeless tales that allow us all to relive our youth. I would like to read an excerpt in which Ruark describes the feelings present in the individuals who

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remained indoors unable to fully enjoy the summer months that remained. One of my constituents who lives in Beaufort and is also a member of the Robert Ruark Society Board of Directors suggested this excerpt to me. I thought about this excerpt that he asked me to share with you and that perhaps the General Assembly members might take heed of this before we get into trouble with our constituency thinking about the longer we stay here the more tempted we might be to get in trouble ourselves. I quote: 'It was impossible to concentrate in school, for the drowsy hum of June was just over the hill. Hence this was the time that boys were kept after school for throwing spitballs and making paper airplanes and dipping pigtails into inkpots. Summer vacation was yearned for by the teachers even more eagerly than it was craved by the students. School marks dropped terribly and discipline teetered on the ragged edge of anarchy. The Old Man said he reckoned that the whole world went a little crazy at this time of the year.' End of quote. Thank you."

The joint resolution passes its second reading (48-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Rand, the Chair extends the courtesies of the gallery to Lou Johanson, Julian Mann, and Al Adams, friends of Mr. Ruark; Bill Johnston, grandson of Mr. Jim Cheatham; and Cynthia Barnett, Executive Director of NC Writers' Network.

H.B. 63, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM PROPERTY TAX REAL AND PERSONAL PROPERTY THAT IS SUBJECT TO A CAPITAL LEASE WITH A LOCAL SCHOOL ADMINISTRATIVE UNIT.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 956 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS, placed earlier on today's Calendar, for adoption.

Upon motion of Senator Malone, the Senate adopts the Conference Report (47-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 5:56 P.M. for the purpose of a Select Committee on Employee Hospital and Medical Benefits meeting to reconvene at 6:20 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

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The Chair grants a leave of absence for the remainder of today's session to Senator Smith.

WITHDRAWAL FROM CALENDAR

S.B. 586 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE TORT CLAIM LIMIT, placed earlier on today's Supplemental Calendar.

Senator Rand offers a motion that the bill be withdrawn from today's Supplemental Calendar and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from today's Supplemental Calendar and re-refers the measure to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

H.B. 573, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

The bill passes its second reading (40-7).

Senator Kinnaird objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, August 1, upon third reading.

H.B. 1110 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE STATE GOVERNMENT ETHICS ACT, THE LEGISLATIVE ETHICS ACT, AND THE LOBBYING LAW.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

WITHDRAWAL FROM COMMITTEE

H.B. 818 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE, as amended on July 27 by Amendment No. 1 and re-referred to the **Health Care Committee** on June 19, with Amendment No. 2 pending.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill, as amended, and with Amendment No. 2 pending be withdrawn from the **Health Care Committee** and placed on today's Supplemental Calendar, which motion prevails with unanimous consent.

The Chair orders the bill be withdrawn from the **Health Care Committee** and places it on today's Supplemental Calendar.

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RECONSIDERATION

S.B. 1309 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE DISCREPANCY BETWEEN THE PROPERTY TAX VALUE OF PROPERTY AND ITS MARKET VALUE AND TO TREAT MOBILE HOMES THE SAME AS OTHER HOMES WITH RESPECT TO PROPERTY TAX LIENS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from the Calendar of August 1 and placed on today's Calendar for immediate consideration.

Having voted with the majority, Senator Clodfelter offers a motion that the vote by which the bill passed its second reading be reconsidered, which motion prevails (45-0).

Having voted with the majority, Senator Clodfelter offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails (45-0).

Senator Weinstein withdraws Amendment No. 1. The question before the Body becomes the passage of the Committee Substitute bill on its second reading.

Upon motion of Senator Clodfelter, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

CALENDAR *(continued)*

H.B. 1381 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA RESPIRATORY CARE BOARD TO RAISE THE CEILING ON CERTAIN LICENSURE FEES AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES.

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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Select Committee on Government and Election Reform**:

H.B. 1111 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT ETHICS ACT BY ADDING LIAISON PERSONNEL TO THE DEFINITION OF GIFT; BY CLARIFYING THAT GIFTS FROM EXTENDED FAMILY MEMBERS DO NOT NEED TO BE REPORTED UNDER THE LOBBYING LAW; AND BY CLARIFYING THAT BENEFITS TO NONPROFITS WITH

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WHICH ASSOCIATED AS MEMBERS OF A GENERAL CLASS ARE NOT PROHIBITED AS A CONFLICT OF INTEREST, AS RECOMMENDED BY THE HOUSE COMMITTEE ON ETHICS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30530, which changes the title upon concurrence to read **H.B. 1111** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT ETHICS ACT, THE LEGISLATIVE ETHICS ACT, AND THE LOBBYING LAWS, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

By Senator Rand for the **Select Committee on Employee Hospital and Medical Benefits**:

H.B. 508 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF BILTMORE FOREST, BLOWING ROCK, OCEAN ISLE, AND SUNSET BEACH TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70612, which changes the title upon concurrence to read **H.B. 508** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MITCHELL COUNTY AND THE TOWNS OF BILTMORE FOREST, BLACK CREEK, BLACK MOUNTAIN, BLOWING ROCK, OCEAN ISLE BEACH, SUNSET BEACH, AND TABOR CITY TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, is adopted and engrossed.

The Senate Committee Substitute bill is placed on today's Supplemental Calendar.

CALENDAR *(continued)*

H.B. 1460 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ATTORNEY GENERAL TO REQUIRE CERTAIN CIGARETTE MANUFACTURERS TO MAKE QUARTERLY ESCROW DEPOSITS, TO TREAT CERTAIN AFFILIATES OF A MANUFACTURER OF OTHER TOBACCO PRODUCTS AS IF THEY WERE THE MANUFACTURER FOR PURPOSES OF ADMINISTRATION OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, AND TO PROVIDE THAT THE PERMISSION GRANTED TO A CIGARETTE

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MANUFACTURER TO BE RELIEVED OF PAYING THE CIGARETTE EXCISE TAX APPLIES TO ALL TOBACCO PRODUCTS DISTRIBUTED BY THE MANUFACTURER.

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.

H.B. 1499 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE BENEFIT OF THE PROPERTY TAX HOMESTEAD EXCLUSION BY RAISING BOTH THE INCOME ELIGIBILITY LIMIT AND THE AMOUNT EXCLUDED FROM TAXATION; TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER AND HOW TO INDEX THE MINIMUM AMOUNT THAT IS EXCLUDED FROM TAX; TO CREATE A SENIOR CIRCUIT BREAKER PROPERTY TAX BENEFIT; TO MODIFY THE PRESENT-USE VALUE REQUIREMENTS FOR AGRICULTURAL LAND USED AS AN AQUATIC SPECIES FARM; AND TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY VARIOUS MODIFICATIONS AND EXPANSIONS TO THE PRESENT-USE VALUE SYSTEM.

Upon motion of Senator Nesbitt, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 1737 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE LEGAL EXPENSE FUNDS OF ELECTED OFFICERS TO PROVIDE FOR DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES.

Senator Clodfelter offers Amendment No. 1 which is adopted (45-0).

The Senate Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 1743 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO PROVIDE THAT A BALLOT

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NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE THE VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR SOFTWARE WARRANTIES; TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP; AND TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT; AND TO MAKE OTHER AMENDMENTS TO THE ELECTION LAWS.

Senator Clodfelter offers Amendment No. 1 which is adopted (47-0).

Senator Clodfelter offers Amendment No. 2 which is adopted (47-0).

Senator Clodfelter calls the previous question on the passage of the Senate Committee Substitute bill, seconded by Senator Rand, which motion prevails (33-14).

The Senate Committee Substitute bill, as amended, passes its second reading (47-0).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, August 1, upon third reading.

H.B. 1817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS REGARDING COVERED LOANS AND TO INCREASE THE COMMISSIONER'S DISCIPLINARY AUTHORITY OVER LICENSEES UNDER THE MORTGAGE LENDING ACT.

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Upon motion of Senator Soles, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

S.B. 1309 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE DISCREPANCY BETWEEN THE PROPERTY TAX VALUE OF PROPERTY AND ITS MARKET VALUE AND TO TREAT MOBILE HOMES THE SAME AS OTHER HOMES WITH RESPECT TO PROPERTY TAX LIENS, temporarily displaced earlier today.

Senator Weinstein offers Amendment No. 2 which is adopted (46-0), and changes the title to read **S.B. 1309** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PROPERTY TAX VALUATION OF LOW AND MODERATE INCOME HOUSING, TO REDUCE THE DISCREPANCY BETWEEN THE PROPERTY TAX VALUE OF PROPERTY AND ITS MARKET VALUE AND TO TREAT MOBILE HOMES THE SAME AS OTHER HOMES WITH RESPECT TO PROPERTY TAX LEINS.

Amendment No. 2 is ruled to be material, which constitutes first reading.

The Committee Substitute bill, as amended, is placed on the Calendar for Wednesday, August 1, upon second reading.

S.B. 242 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE PROCESS FOR ADMINISTRATIVE AND JUDICIAL REVIEW OF DISPUTED TAX MATTERS, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Clodfelter, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 1196 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly,

Dorsett, East, Foriest, Forrester, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: Senators Goodall and Pittenger---2.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 31, 2007

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. 956** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS.

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

CALENDAR *(continued)*

S.B. 1332 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES AND AMENDING AND UPDATING CERTAIN OTHER PROVISIONS UNDER THE LAWS REGULATING HEARING AID DEALERS AND FITTERS, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly,

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Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 1362 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO CLARIFY THE DEFINITION OF DRY-CLEANING SOLVENT, TO AUTHORIZE THE USE OF FUNDS FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR THE INVESTIGATION OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES REASONABLY BELIEVED TO BE CONTAMINATED BY DRY-CLEANING SOLVENT, TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY A PRIVATE CONTRACTOR RETAINED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, TO MODIFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO POTENTIALLY RESPONSIBLE PARTIES, TO AUTHORIZE TEMPORARY RULE MAKING, AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Clodfelter, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 1457 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BONDS FOR CONTRACTS ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMISSION CONTRACTORS WHO OPERATE LICENSE PLATE AGENCIES, TO ADD CHARLOTTE TO THE DIVISION OF MOTOR VEHICLES OPERATED REGISTRATION OFFICES, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO HAVE AT LEAST TWO AUTHORIZED ONLINE MOTOR VEHICLE REGISTRATION VENDORS APPROVED FOR CONTRACTING AT ALL

TIMES, AND TO AUTHORIZE COMMISSION CONTRACT AGENTS TO CONTRACT WITH ONLINE DEALER REGISTRATION VENDORS, for concurrence in the House Committee Substitute bill, upon second reading.

Without objection, Senator Brown 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 on 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, Boseman, Brock, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 1527 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS RELATING TO LICENSING OF INSURANCE PRODUCERS AND BAIL BONDSMEN; TO MAKE CHANGES IN THE FEE STRUCTURES FOR AGENTS AND ADJUSTERS; TO AUTHORIZE THE OUTSOURCING OF CERTAIN FUNCTIONS RELATING TO THE ADMINISTRATION OF CONTINUING EDUCATION AND ADMINISTRATIVE PROGRAMS; TO REQUIRE THE DEPARTMENT OF INSURANCE TO STUDY ISSUES RELATED TO LIFE INSURANCE BENEFICIARY NOTIFICATION; TO EXEMPT INSURERS FROM AUTOMATIC RENEWAL DISCLOSURE CLAUSE REQUIREMENTS; TO INSTITUTE A METHOD OF STREAMLINING CERTAIN APPEALS OF DISPUTES BETWEEN LOCAL INSPECTORS AND PERSONS SUBJECT TO THE STATE BUILDING CODE AND TO REQUIRE THE DEPARTMENT OF INSURANCE TO ISSUE ITS DECISION ON THESE LIMITED APPEALS WITHIN TEN BUSINESS DAYS; AND TO MAKE OTHER SUBSTANTIVE CHANGES, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: None.

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The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1415** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE AND TO AMEND THE LAW PROVIDING LONG-TERM DISABILITY BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT 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 1415, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE AND TO AMEND THE LAW PROVIDING LONG-TERM DISABILITY BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, Senate Pensions, Retirement & Aging Committee Substitute Adopted 6/28/07 Fourth Edition Engrossed 7/3/07, submit the following report:

The House concurs in the Senate committee substitute with an amendment as follows: on page 1, lines 21-25, delete "Notwithstanding the provisions of this section, a participant who would have qualified for a benefit under this section but for service in the uniformed services shall not be denied a benefit under this section because of that absence for military service if that service meets the requirements of the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301, et seq." and substitute: "As to the requirement that a participant applying for short term disability benefits have at least one year of contributing membership service within the 36 calendar months immediately preceding the date of disability, a participant who would have qualified for a benefit under this section but for service in the uniformed services shall not be denied a benefit under this section because of that interruption for military service provided all other requirements of this section are met."

The Senate agrees to the same.

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The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 31, 2007.

Conferees for the Senate

S/Tony Rand, Chair
S/William R. Purcell
S/Peter S. Brunstetter

Conferees for the House of Representatives

S/Grier Martin, Chair
S/Linda Coleman
S/Deborah K. Ross
S/Jim Harrell, III
S/Jeff Barnhart
S/Charles C. Thomas

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Supplemental Calendar for adoption.

CALENDAR (*continued*)

S.B. 556 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING OR STRUCTURE CODE, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Kerr, the Senate concurs in the House Committee Substitute bill No. 2 (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 744 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE TEN PERCENT CEILING ON THE EXPENSE RESERVE FUND OF THE NORTH CAROLINA REAL ESTATE COMMISSION UNDER THE REAL ESTATE LICENSING LAWS AND TO ALLOW THE REAL ESTATE COMMISSION TO SERVE NOTICE OF HEARING BY FIRST-CLASS MAIL ON APPLICANTS REQUESTING HEARINGS REGARDING THE APPLICANTS' CHARACTER OR FITNESS FOR LICENSURE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 768 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA RECREATIONAL THERAPY LICENSURE ACT TO EXEMPT CERTAIN PERSONS EMPLOYED UNDER THE DIRECTION OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNTIL JULY 1, 2010, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Hartsell, 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. 1032 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE TIME LIMITATIONS ON OVERPAYMENT RECOVERY UNDER THE PROMPT CLAIM PAYMENTS STATUTE AND TO REQUIRE THAT INSURERS OFFERING HEALTH BENEFITS PLANS PROVIDE INSURANCE IDENTIFICATION CARDS, 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.

S.B. 1117 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN CIVIL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE INTO THE JURY ROOM EXHIBITS INTRODUCED INTO EVIDENCE AND PASSED TO THE JURY IN THE COURSE OF THE TRIAL, PHOTOGRAPHS ADMITTED INTO EVIDENCE, SHOWN TO THE JURY AND USED BY ANY WITNESSES IN THEIR TESTIMONY, AND ANY ILLUSTRATIVE EXHIBIT ADMITTED INTO EVIDENCE AND USED BY ANY WITNESSES IN THEIR TESTIMONY EXCEPT SUMMARIES OF TESTIMONY, LISTS MADE IN THE COURTROOM AND SUCH SIMILAR DOCUMENTS AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY, AND TO PROVIDE THAT DEPOSITIONS MAY ONLY BE TAKEN INTO THE JURY ROOM WITH CONSENT OF THE PARTIES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hagan, 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. 1211 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE FINGERPRINTING OF ANY PERSON ARRESTED FOR ANY OFFENSES INVOLVING IMPAIRED DRIVING OR FOR DRIVING WHILE LICENSE REVOKED, for concurrence in House Amendment No. 1.

Upon motion of Senator Rand, the Senate fails to concur in House Amendment No. 1 (0-47).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 1364 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SECONDARY PURCHASERS OF MOTOR VEHICLES FOR SCRAP METAL OR SALVAGE PARTS TO MAINTAIN RECORDS, for concurrence in House Amendment No. 1.

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Upon motion of Senator Hagan, the Senate concurs in House Amendment No. 1 (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1492 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) TO REPEAL THE EXEMPTION FOR SANITARY LANDFILLS OPERATED BY LOCAL GOVERNMENTS FROM THE REQUIREMENTS FOR ENVIRONMENTAL IMPACT STATEMENTS UNDER THE NORTH CAROLINA ENVIRONMENTAL POLICY ACT OF 1971; (2) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (3) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (4) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (5) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (10) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (11) DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT, TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE, AND SITING AND TECHNICAL STANDARDS FOR SOLID WASTE MANAGEMENT FACILITIES; AND (12) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate fails to concur in the House Committee Substitute bill (16-28).

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Senator Clodfelter offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 1495 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A VEHICLE USED TO TOW OR TRANSPORT ANOTHER VEHICLE BE MARKED SO THAT THE OWNER MAY BE IDENTIFIED AND TO ADD AN EXEMPTION FROM THE SEAT BELT LAW FOR DRIVERS OR PASSENGERS OF A RESIDENTIAL GARBAGE OR RECYCLING TRUCK WHILE THE TRUCK IS OPERATING DURING COLLECTION ROUNDS AND WHILE TRAVELING TO AND FROM GARBAGE AND RECYCLING MATERIAL LOADING AND UNLOADING LOCATIONS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Graham, 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.

H.B. 1294 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES, for adoption.

Upon motion of Senator Purcell, the Senate adopts the Conference Report (45-1).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 8:01 P.M., subject to ratification of bills, for the purpose of a Judiciary II Committee meeting to reconvene at 8:15 P.M.

RECESS

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 956, AN ACT TO MODIFY THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS.

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Upon the appearance of Senator Smith in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

WITHDRAWAL FROM CALENDAR

S.B. 1442 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SENIOR CIRCUIT BREAKER PROPERTY TAX BENEFIT, as

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amended on second reading and placed on the Calendar for August 1.

Senator Nesbitt withdraws his objection to third reading on S.B. 1442 and upon motion of Senator Rand, the Committee Substitute bill is withdrawn from the Calendar of August 1 and placed on today's Calendar for immediate consideration.

The 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.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1492 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) TO REPEAL THE EXEMPTION FOR SANITARY LANDFILLS OPERATED BY LOCAL GOVERNMENTS FROM THE REQUIREMENTS FOR ENVIRONMENTAL IMPACT STATEMENTS UNDER THE NORTH CAROLINA ENVIRONMENTAL POLICY ACT OF 1971; (2) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (3) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (4) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (5) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (10) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (11) DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT,

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TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE, AND SITING AND TECHNICAL STANDARDS FOR SOLID WASTE MANAGEMENT FACILITIES; AND (12) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 1492 earlier today and the motion by Senator Albertson to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Albertson, Chair; Senator Bingham; Senator Clodfelter; Senator Cowell; Senator Hagan; Senator Purcell; Senator Shaw and Senator Soles as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR *(continued)*

H.B. 1817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS REGARDING COVERED LOANS AND TO INCREASE THE COMMISSIONER'S DISCIPLINARY AUTHORITY OVER LICENSEES UNDER THE MORTGAGE LENDING ACT, temporarily displaced earlier today.

Upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, August 1.

H.B. 1499 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE BENEFIT OF THE PROPERTY TAX HOMESTEAD EXCLUSION BY RAISING BOTH THE INCOME ELIGIBILITY LIMIT AND THE AMOUNT EXCLUDED FROM TAXATION; TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER AND HOW TO INDEX THE MINIMUM AMOUNT THAT IS EXCLUDED FROM TAX; TO CREATE A SENIOR CIRCUIT BREAKER PROPERTY TAX BENEFIT; TO MODIFY THE PRESENT-USE VALUE REQUIREMENTS FOR AGRICULTURAL LAND USED AS AN AQUATIC SPECIES FARM; AND TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY VARIOUS MODIFICATIONS AND EXPANSIONS TO THE PRESENT-USE VALUE SYSTEM, temporarily displaced earlier today upon second reading.

Senator Albertson offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell,

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Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, remains on the Calendar for Wednesday, August 1, upon third reading.

SUPPLEMENTAL CALENDAR

Bills on today's Supplemental Calendar are taken up and disposed of, as follows:

H.B. 265 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Wednesday, August 1, upon third reading.

S.B. 91, A BILL TO BE ENTITLED AN ACT TO PROVIDE ENHANCED ECONOMIC DEVELOPMENT INCENTIVES TO ENDANGERED MANUFACTURERS, TO PROVIDE PROPERTY TAX EXCLUSIONS FOR ENDANGERED MANUFACTURERS, TO CLARIFY THAT A LOW-PROFIT LIMITED LIABILITY COMPANY IS A LIMITED LIABILITY COMPANY UNDER STATE LAW, TO ESTABLISH THE NORTH CAROLINA FURNITURE FUND TO RECEIVE STATE AND FEDERAL FUNDING FOR THE FURNITURE INDUSTRY, TO ESTABLISH THE NORTH CAROLINA FURNITURE COUNCIL TO ADMINISTER THE FUND.

Senator Jacumin offers Amendment No. 1 which is adopted (47-0), and changes the title to read **S.B. 91**, A BILL TO BE ENTITLED AN ACT TO PROVIDE ENHANCED ECONOMIC DEVELOPMENT INCENTIVES TO ENDANGERED MANUFACTURERS, TO CLARIFY THAT A LOW-PROFIT LIMITED LIABILITY COMPANY IS A LIMITED LIABILITY COMPANY UNDER STATE LAW, TO ESTABLISH THE NORTH CAROLINA FURNITURE FUND TO RECEIVE STATE AND FEDERAL

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FUNDING FOR THE FURNITURE INDUSTRY, AND TO ESTABLISH THE NORTH CAROLINA FURNITURE COUNCIL TO ADMINISTER THE FUND.

The bill, as amended, passes its second (46-1) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

H.B. 1366 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT, 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 60408, is adopted and engrossed.

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 869 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD FELONY CHILD ABUSE TO THE LIST OF SEX OFFENDER REGISTRY OFFENSES WHEN THE OFFENSE INVOLVES PROSTITUTION OF A JUVENILE OR THE COMMISSION OF A SEXUAL ACT UPON A JUVENILE, TO REQUIRE THAT A SEX OFFENDER REGISTER HIS OR HER ELECTRONIC MAIL ADDRESS OR OTHER ONLINE IDENTIFIER IN THE STATEWIDE SEX OFFENDER REGISTRY, TO ALLOW LIMITED RELEASE OF ONLINE IDENTIFIER INFORMATION IN THE SEX OFFENDER REGISTRY TO CERTAIN ENTITIES THAT PROVIDE ELECTRONIC MAIL SERVICES AND OTHER INTERNET SERVICES FOR THE PURPOSE OF SCREENING ONLINE USERS, TO AUTHORIZE THE COURT TO REVOKE ANY AND ALL LICENSING PRIVILEGES HELD BY A SEX OFFENDER WHO FAILS TO REGISTER, TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO DEVELOP PROCEDURES TO ENSURE TIMELY NOTIFICATION OF THE DIVISION OF CRIMINAL INFORMATION AND SHERIFFS OF PERSONS REQUIRED TO REGISTER WHO ARE NOT SENTENCED TO ACTIVE TIME, AND TO AUTHORIZE FUNDS FOR THE GOVERNOR'S CRIME COMMISSION TO USE TO AWARD AS MATCHING GRANTS TO ELIGIBLE SHERIFFS' OFFICES TO ENHANCE AND SUPPORT THEIR EFFORTS TO ENFORCE THE STATE'S SEX OFFENDER LAWS.

The Committee Substitute bill No. 2 passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

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H.B. 818 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE AND TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF DENTISTRY, with Amendment No. 2 pending.

Senator Berger of Rockingham offers Amendment No. 3 as a perfecting Amendment to Amendment No. 2.

Senator Purcell offers Amendment No. 4 as a substitute to perfecting Amendment No. 3 and Amendment No. 2.

Senator Purcell calls the previous question on the adoption of Amendment No. 4 through the passage of the Senate Committee Substitute bill, seconded by Senator Dalton, which motion prevails (33-14).

Amendment No. 4 is adopted (34-12).

The Senate Committee Substitute bill, as amended, passes its second (44-2) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 1111 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT ETHICS ACT, THE LEGISLATIVE ETHICS ACT, AND THE LOBBYING LAWS.

Senator Rand offers Amendment No. 1, which he subsequently withdraws.

Senator Stevens offers Amendment No. 2, which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

CONFERENCE REPORT

Senator Atwater, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 103** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR SPECIAL PLATE AND TO ELIMINATE THE FEE FOR THE GOLD STAR SPECIAL PLATE; TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS; TO ELIMINATE THE ADDITIONAL FEE AMOUNT FOR THE BREAST CANCER AWARENESS PLATE; TO INCREASE THE ADDITIONAL FEE FOR THE NC COASTAL FEDERATION PLATE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: PROSTATE CANCER AWARENESS, JUVENILE DIABETES RESEARCH, BREAST CANCER EARLIER DETECTION, BRAIN INJURY AWARENESS, NC TENNIS FOUNDATION,

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ALS RESEARCH, NATIONAL KIDNEY FOUNDATION, AIDS AWARENESS, HOME CARE AND HOSPICE, AND HOSPICE CARE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ASSIGN A SPECIAL REGISTRATION PLATE FOR THE PRESIDENT OF THE NORTH CAROLINA COMMUNITY COLLEGES SYSTEM; AND TO MAKE TECHNICAL CORRECTIONS IN THE STATUTE CONCERNING ASSIGNMENTS OF SPECIAL REGISTRATION PLATES TO STATE GOVERNMENT OFFICIALS, 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 103, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR SPECIAL PLATE AND TO ELIMINATE THE FEE FOR THE GOLD STAR SPECIAL PLATE; TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS; TO ELIMINATE THE ADDITIONAL FEE AMOUNT FOR THE BREAST CANCER AWARENESS PLATE; TO INCREASE THE ADDITIONAL FEE FOR THE NC COASTAL FEDERATION PLATE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: PROSTATE CANCER AWARENESS, JUVENILE DIABETES RESEARCH, BREAST CANCER EARLIER DETECTION, BRAIN INJURY AWARENESS, NC TENNIS FOUNDATION, ALS RESEARCH, NATIONAL KIDNEY FOUNDATION, AIDS AWARENESS, HOME CARE AND HOSPICE, AND HOSPICE CARE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ASSIGN A SPECIAL REGISTRATION PLATE FOR THE PRESIDENT OF THE NORTH CAROLINA COMMUNITY COLLEGES SYSTEM; AND TO MAKE TECHNICAL CORRECTIONS IN THE STATUTE CONCERNING ASSIGNMENTS OF SPECIAL REGISTRATION PLATES TO STATE GOVERNMENT OFFICIALS, House Committee Substitute #3 Favorable 7/3/07, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute #3 Favorable 7/3/07, and the Senate concurs in the House Committee Substitute #3 as amended:

On page 1, line 5, by inserting the word "ADDITIONAL" immediately before the word "FEE";

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And on page 5, line 44 through page 6, line 1, by rewriting the lines to read: "registration plate to a recipient of a Legion of Valor award, a 100% disabled veteran, and an ex-prisoner of war. All other special"

And on page 6, line 2, by deleting the following: "Gold Star Lapel Button,".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 31, 2007.

Conferees for the Senate

S/Bob Atwater, Chair
S/Daniel G. Clodfelter
S/W. Edward (Eddie) Goodall
S/John H. Kerr III

Conferees for the House of Representatives

S/Martha B. Alexander, Chair
S/Becky Carney
S/Jennifer Weiss
S/Larry Womble
S/Louis M. Pate, Jr.
S/Julia C. Howard
S/Ronnie Sutton

Upon motion of Senator Goodall, the rules are suspended and the Conference Report, which changes the title, is placed on today's Supplemental Calendar for immediate consideration for adoption.

Upon motion of Senator Goodall, the Senate adopts the Conference Report (47-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 1415 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE AND TO AMEND THE LAW PROVIDING LONG-TERM DISABILITY BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, placed earlier on today's Supplemental Calendar for adoption.

Upon motion of Senator Rand, the Senate adopts the Conference Report (47-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

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Upon motion of Senator Basnight, seconded by Senator Snow, the Senate adjourns with bills remaining on the Supplemental Calendar as unfinished business, subject to reading of messages from the House of Representatives, receipt of conference reports, committee reports, and referral and re-referral of bills and appointment of conferees to meet Wednesday, August 1, at 10:30 A.M.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 31, 2007

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. 1294** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES.

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 31, 2007

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. 1415** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE

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EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE AND TO AMEND THE LAW PROVIDING LONG-TERM DISABILITY BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 1415, AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE AND TO AMEND THE LAW PROVIDING LONG-TERM DISABILITY BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
July 31, 2007

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 1492** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A

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PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED

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TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, and requests conferees, Speaker Hackney appoints:

Representative Allen, Chair
Representative Haire
Representative Justice
Representative Gibson
Representative Harrison
Representative Stiller
Representative Starnes
Representative Owens, and
Representative Bell

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. 30 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CREATING THE LEGISLATIVE SPECIAL COMMISSION ON CHARTER SCHOOLS.

Referred to the **Education/Public Instruction Committee**.

H.B. 274 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA STREET GANG PREVENTION ACT.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR LEAVING THE SCENE OF AN ACCIDENT WHERE A VICTIM HAS SUFFERED SERIOUS BODILY INJURY.

Referred to the **Judiciary I Committee**.

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H.B. 734, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL MUNICIPALITIES TO PARTICIPATE IN URBAN AREA REVITALIZATION PROJECTS UNDER THE MUNICIPAL SERVICE DISTRICT ACT OF 1973.

Referred to the **Finance Committee**.

H.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND EXPAND THE CRIMINAL OFFENSE OF STALKING AND TO INCREASE THE PENALTY FOR STALKING.

Referred to the **Judiciary I Committee**.

H.B. 933 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN CRIMINAL OFFENSES OF RAPE OR FIRST-DEGREE SEXUAL OFFENSE COMMITTED AGAINST A CHILD ARE PUNISHABLE BY EITHER LIFE IMPRISONMENT WITHOUT PAROLE OR A MANDATORY ACTIVE SENTENCE OF TWENTY-FIVE YEARS AND LIFETIME SATELLITE-BASED MONITORING, TO INCREASE THE CRIMINAL PENALTIES FOR SEXUAL EXPLOITATION OF A MINOR AND PROMOTING PROSTITUTION OF A MINOR, TO AMEND THE SEX OFFENDER REGISTRATION REQUIREMENTS TO BE MORE STRINGENT, TO REQUIRE COMMUNITY NOTIFICATION REGARDING THE PRESENCE OF A SEXUALLY VIOLENT PREDATOR OR REPEAT SEX OFFENDER, TO AMEND THE LAW REGARDING BAIL FOR VIOLATIONS OF PROBATION AND POST-RELEASE SUPERVISION, TO CREATE A NEW CRIMINAL OFFENSE THAT MAKES IT UNLAWFUL FOR A SEX OFFENDER TO BE ON CERTAIN PREMISES, AND TO REQUIRE SEX OFFENDER REGISTRIES CHECKS OF CONTRACTUAL PERSONNEL BEFORE ALLOWING THEM TO HAVE DIRECT INTERACTION WITH STUDENTS.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1139 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF OFF-PREMISES MALT BEVERAGE AND UNFORTIFIED WINE PERMITS TO INCORPORATED MUNICIPALITIES AFTER AN ELECTION ALLOWING THE SALE OF MIXED BEVERAGES, AND TO AMEND THE LAW CONCERNING THE JANUARY 1, 2008, REQUIREMENT FOR CERTAIN ABC PERMITTEES TO RECYCLE BEVERAGE CONTAINERS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 1593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO CHANGE ITS PLAN YEAR FROM A FISCAL YEAR TO A CALENDAR YEAR.

Referred to the **Select Committee on Employee Hospital and Medical Benefits**.

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H.B. 1654 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, TO USE AVAILABLE FUNDS FOR THE 2007-2008 AND 2008-2009 FISCAL YEARS TO FUND ONE FULL-TIME POSITION FOR THE DIVISION AND TO ASSIST THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES IN CARRYING OUT ITS DUTIES.

Referred to the **Appropriations/Base Budget Committee**.

H.B. 1688 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CREATE A LIMITED REGISTRATION PLATE, TO EXEMPT MOTOR VEHICLES REGISTERED UNDER THE INTERNATIONAL REGISTRATION PLAN FROM THE COMBINED REGISTRATION AND PROPERTY TAX SYSTEM, TO PROVIDE THAT INTEREST GENERATED BY FUNDS IN THE COMBINED MOTOR VEHICLE AND REGISTRATION ACCOUNT BE CREDITED TO THE ACCOUNT, TO AUTHORIZE THE OFFICE OF STATE BUDGET AND MANAGEMENT TO DIRECT THE TREASURER TO DISTRIBUTE THE FUNDS IN THE ACCOUNT TO IMPLEMENT THE INTEGRATED COMPUTER SYSTEM, TO DISTRIBUTE ANY REMAINING FUNDS IN THE ACCOUNT TO THE LOCAL GOVERNMENTS, AND TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM.

Referred to the **Finance Committee**.

H.B. 1828 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE MATCHING FUNDS PROVISION OF THE JUDICIAL PUBLIC CAMPAIGN ACT; AND TO APPROPRIATE FUNDS FOR IMPLEMENTATION.

Referred to the **Appropriations/Base Budget Committee**.

S.B. 3 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS), (2) ALLOW RECOVERY OF CERTAIN NONFUEL UTILITY COSTS THROUGH THE FUEL CHARGE ADJUSTMENT PROCEDURE, (3) PROVIDE FOR ONGOING REVIEW OF CONSTRUCTION COSTS AND FOR RECOVERY OF COSTS IN RATES IN A GENERAL RATE CASE, (4) ADJUST THE PUBLIC UTILITY AND ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEES, (5) PROVIDE FOR THE PHASEOUT OF THE TAX ON THE SALE OF ENERGY TO NORTH CAROLINA FARMERS AND

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MANUFACTURERS, AND (6) ALLOW A TAX CREDIT TO CONTRIBUTORS TO 501(C)(3) ORGANIZATIONS FOR RENEWABLE ENERGY PROPERTY, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, August 1, for concurrence.

S.B. 301 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDS OF A CIVIL REVOCATION OF DRIVERS LICENSES SHALL BE EXPUNGED FROM AN INDIVIDUAL'S DRIVING RECORD IF THE UNDERLYING CRIMINAL CHARGE IS EXPUNGED PURSUANT TO ARTICLE 5 OF CHAPTER 15A OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, August 1, for concurrence.

S.B. 540 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS, MOTOR FUELS TAX LAWS, AND RELATED STATUTES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, August 1, for concurrence.

S.B. 546 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF MOUNT PLEASANT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, August 1, for concurrence.

S.B. 580 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCAL GOVERNMENT POST-EMPLOYMENT BENEFITS FUND UNDER THE MANAGEMENT OF THE STATE TREASURER, TO ESTABLISH THE LOCAL GOVERNMENT LAW ENFORCEMENT SPECIAL SEPARATION ALLOWANCE BENEFITS FUND UNDER THE MANAGEMENT OF THE STATE TREASURER, TO AUTHORIZE THE TREASURER TO MAKE EQUITY INVESTMENTS FROM THE FUND TO THE SAME EXTENT ALLOWED FOR CERTAIN INVESTMENTS FROM THE STATE RETIREMENT SYSTEM, TO ALLOW LOCAL ENTITIES TO ESTABLISH OTHER IRREVOCABLE TRUSTS TO FUND POST-EMPLOYMENT BENEFITS, AND TO ALLOW LOCAL GOVERNMENTS TO ESTABLISH OTHER IRREVOCABLE TRUSTS TO FUND LAW ENFORCEMENT SPECIAL SEPARATION ALLOWANCE BENEFITS, for concurrence in the House Committee Substitute bill No. 2.

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The House Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, August 1, for concurrence.

S.B. 629 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO SULLIVAN ACT III, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, August 1, for concurrence.

S.B. 831 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT STREAMLINING LOCAL GOVERNMENT REGULATION OF WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES AND THE COLLOCATION OF WIRELESS FACILITIES, for concurrence in House Amendment No. 1.

The House Committee Substitute bill, as amended, is placed on the Calendar for Wednesday, August 1, for concurrence in House Amendment No. 1.

S.B. 844 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO PROVIDE THAT: (1) AN APPLICATION FOR A CONSTRUCTION PERMIT FOR A PRIVATE DRINKING WATER WELL THAT IS TO BE LOCATED ON A SITE ON WHICH A WASTEWATER SYSTEM IS LOCATED MAY BE ACCOMPANIED BY A SITE PLAN RATHER THAN A PLAT; (2) PROOF OF COMPLETION OF ANY REQUIRED PROFESSIONAL DEVELOPMENT IS REQUIRED FOR RENEWAL OF A WELL CONTRACTOR CERTIFICATE; (3) THE TRANSPLANT OF SEED CLAMS AND SEED OYSTERS OF A CERTAIN SIZE THAT ORIGINATE FROM AN AQUACULTURE OPERATION PERMITTED BY THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES IS LAWFUL; (4) MEMBERS OF THE ADVISORY COMMISSION FOR THE NORTH CAROLINA STATE MUSEUM OF NATURAL SCIENCES SHALL SERVE FOUR-YEAR STAGGERED TERMS; (5) TO EXTEND THE EXEMPTION FOR CERTAIN WELL CONTRACTORS FROM CONTINUING EDUCATION REQUIREMENTS FOR TWO YEARS; (6) DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION; (7) TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; AND (8) TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, August 1, for concurrence.

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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 31, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 671** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD, and requests conferees.

Speaker Hackney has appointed:

Representative Martin, Chair
Representative Killian, and
Representative Church

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 Albertson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1492** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) TO REPEAL THE EXEMPTION FOR SANITARY LANDFILLS OPERATED BY LOCAL GOVERNMENTS FROM THE REQUIREMENTS FOR ENVIRONMENTAL IMPACT STATEMENTS UNDER THE NORTH CAROLINA ENVIRONMENTAL POLICY ACT OF 1971; (2) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID

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WASTE MANAGEMENT PERMIT MAY BE DENIED; (3) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (4) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (5) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (10) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (11) DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT, TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE, AND SITING AND TECHNICAL STANDARDS FOR SOLID WASTE MANAGEMENT FACILITIES; AND (12) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1492, A BILL TO BE ENTITLED AN ACT TO: (1) TO REPEAL THE EXEMPTION FOR SANITARY LANDFILLS OPERATED BY LOCAL GOVERNMENTS FROM THE REQUIREMENTS FOR ENVIRONMENTAL IMPACT STATEMENTS UNDER THE NORTH CAROLINA ENVIRONMENTAL POLICY ACT OF 1971; (2) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE

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DENIED; (3) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (4) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (5) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (10) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (11) DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT, TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE, AND SITING AND TECHNICAL STANDARDS FOR SOLID WASTE MANAGEMENT FACILITIES; AND (12) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, House Committee Substitute Favorable 7/28/07, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/28/07, Fourth Edition Engrossed 7/28/07, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 7/28/07, Fourth Edition Engrossed 7/28/07, and substitute the attached Proposed Conference Committee Substitute S1492-PCCS-55567-SBxf-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: 31 July 2007.

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*Conferees for the Senate**Conferees for the House of Representatives*

S/Charles W. Albertson, Chair	S/Lucy T. Allen, Chair
Stan Bingham	Pryor Gibson
Daniel G. Clodfelter	S/R. Phillip Haire
S/Janet Cowell	S/Pricey Harrison
S/Kay R. Hagan	S/Carolyn H. Justice
S/William R. Purcell	S/Bill Owens
Larry Shaw	Edgar V. Starnes
S/R. C. Soles, Jr.	S/Bonner L. Stiller

The text of the attached Proposed Conference Committee Substitute, S1492-PCCS55567-SBxf-2 is as follows:

A BILL TO BE ENTITLED

AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY

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LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.

Whereas, North Carolina has experienced severe problems from widespread flooding during the past five years; and

Whereas, large areas of the State have also experienced severe drought conditions during the past five years; and

Whereas, groundwater is the source of drinking water for approximately half the population of the State; and

Whereas, groundwater pollution is increasing due to contamination from a variety of sources; and

Whereas, depletion of certain large groundwater aquifers in the State has been documented in recent years; and

Whereas, protection and enhancement of water quality in the State's rivers and coastal estuaries is the declared public policy of the State; and

Whereas, North Carolina is home to many rare and endangered species of plants and animals; and

Whereas, the State has established many parks, natural areas, and wildlife refuges to protect habitats for migrating birds and other species; and

Whereas, many fragile ecosystems exist in the State which are in need of further study and protection; and

Whereas, the State recognizes that ecosystems transcend state borders, and that changes affecting the State's water, air, natural habitats, and scenic resources also have impacts outside the State; and

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Whereas, it is the policy of the State to ensure the continued public enjoyment of the natural attractions of the State; and

Whereas, improperly sited, designed, or operated landfills have the potential to cause serious environmental damage, including groundwater contamination; and

Whereas, it is essential that the State study the siting, design, and operational requirements for landfills for the disposal of solid waste in areas susceptible to flooding from natural disasters, areas with high water tables, and other environmentally sensitive areas in order to protect public health and the environment; and

Whereas, it is critical to the protection of public health and the environment to adequately staff the State solid waste program to review permit applications, ensure compliance with State solid waste management laws and rules, and provide technical assistance on solid waste management issues; and

Whereas, it is the policy of the State to promote methods of solid waste management that are alternatives to disposal in landfills; and

Whereas, S.L. 2006-244 directed the Environmental Review Commission, with the assistance of the Division of Waste Management of the Department of Environment, to study issues related to solid waste; and

Whereas, the Environmental Review Commission met at least six times after the 2006 legislative session to discuss items related to solid waste; and

Whereas, bills have been introduced in the House of Representatives and the Senate during the 2007 Regular Session to address issues related to landfills and management of solid waste that have been the subject of intense discussion by members of the General Assembly and a stakeholder working group;

Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 130A-294, as amended by S.L. 2007-107, reads as rewritten:

"§ 130A-294. Solid waste management program.

(a) The Department is authorized and directed to engage in research, conduct investigations and surveys, make inspections and establish a statewide solid waste management program. In establishing a program, the Department shall have authority to:

- (1) Develop a comprehensive program for implementation of safe and sanitary practices for management of solid waste;
- (2) Advise, consult, cooperate and contract with other State agencies, units of local government, the federal government, industries and individuals in the formulation and carrying out of a solid waste management program;
- (3) Develop and adopt rules to establish standards for qualification as a "recycling, reduction or resource recovering facility" or as "recycling, reduction or resource recovering equipment" for the purpose of special tax

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classifications or treatment, and to certify as qualifying those applicants which meet the established standards. The standards shall be developed to qualify only those facilities and equipment exclusively used in the actual waste recycling, reduction or resource recovering process and shall exclude any incidental or supportive facilities and equipment;

- (4) a. Develop a permit system governing the establishment and operation of solid waste management facilities. A landfill with a disposal area of 1/2 acre or less for the on-site disposal of land clearing and inert debris is exempt from the permit requirement of this section and shall be governed by G.S. 130A-301.1. The Department shall not approve an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a sanitary landfill, excluding demolition landfills as defined in the rules of the Commission, except as provided in subdivisions (3) and (4) of subsection (b1) of this section. No permit shall be granted for a solid waste management facility having discharges that are point sources until the Department has referred the complete plans and specifications to the Environmental Management Commission and has received advice in writing that the plans and specifications are approved in accordance with the provisions of G.S. 143-215.1. If the applicant is a unit of local government, and has not submitted a solid waste management plan that has been approved by the Department pursuant to G.S. 130A-309.09A(b), the Department may deny a permit for a sanitary landfill or a facility that disposes of solid waste by incineration, unless the Commission has not adopted rules pursuant to G.S. 130A-309.29 for local solid waste management plans. In any case where the Department denies a permit for a solid waste management facility, it shall state in writing the reason for denial and shall also state its estimate of the changes in the applicant's proposed activities or plans that will be required for the applicant to obtain a permit.
- b. ~~The issuance of permits for sanitary landfills operated by local governments is exempt from the environmental impact statements required by Article 1 of Chapter 113A of the General Statutes, entitled the North Carolina Environmental Policy Act of 1971. All sanitary landfill permits issued to local governments prior to July 1, 1984, are hereby validated~~

~~notwithstanding any failure to provide environmental impact statements pursuant to the North Carolina Environmental Policy Act of 1971;~~

- c. The Department shall deny an application for a permit for a solid waste management facility if the Department finds that:
1. Construction or operation of the proposed facility would be inconsistent with or violate rules adopted by the Commission.
 2. Construction or operation of the proposed facility would result in a violation of water quality standards adopted by the Environmental Management Commission pursuant to G.S. 143-214.1 for waters, as defined in G.S. 143-213.
 3. Construction or operation of the facility would result in significant damage to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance. These areas include, but are not limited to, national or State parks or forests; wilderness areas; historic sites; recreation areas; segments of the natural and scenic rivers system; wildlife refuges, preserves, and management areas; areas that provide habitat for threatened or endangered species; primary nursery areas and critical fisheries habitat designated by the Marine Fisheries Commission; and Outstanding Resource Waters designated by the Environmental Management Commission.
 4. Construction or operation of the proposed facility would substantially limit or threaten access to or use of public trust waters or public lands.
 5. The proposed facility would be located in a natural hazard area, including a floodplain, a landslide hazard area, or an area subject to storm surge or excessive seismic activity, such that the

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facility will present a risk to public health or safety.

6. There is a practical alternative that would accomplish the purposes of the proposed facility with less adverse impact on public resources, considering engineering requirements and economic costs.
7. The cumulative impacts of the proposed facility and other facilities in the area of the proposed facility would violate the criteria set forth in sub-sub-subdivisions 2. through 5. of this sub-subdivision.
8. Construction or operation of the proposed facility would be inconsistent with the State solid waste management policy and goals as set out in G.S. 130A-309.04 and with the State solid waste management plan developed as provided in G.S. 130A-309.07.
9. The cumulative impact of the proposed facility, when considered in relation to other similar impacts of facilities located or proposed in the community, would have a disproportionate adverse impact on a minority or low-income community protected by Title VI of the federal Civil Rights Act of 1964.

~~(4a) No permit shall be granted for any public or private sanitary landfill to receive solid non-radioactive waste generated outside the boundaries of North Carolina to be deposited, unless such waste has previously been inspected by the solid waste regulatory agency of that nation, state or territory, characterized in detail as to its contents and certified by that agency to be non-injurious to health and safety. The Commission shall adopt rules to implement this subsection.~~

(5) Repealed by Session Laws 1983, c. 795, s. 3.

(5a) Designate a geographic area within which the collection, transportation, storage and disposal of all solid waste generated within said area shall be accomplished in accordance with a solid waste management plan. Such designation may be made only after the Department has received a request from the unit or units of local government having jurisdiction within said geographic area that such designation be made and after receipt by

the Department of a solid waste management plan which shall include:

- a. The existing and projected population for such area;
 - b. The quantities of solid waste generated and estimated to be generated in such area;
 - c. The availability of sanitary landfill sites and the environmental impact of continued landfill of solid waste on surface and subsurface waters;
 - d. The method of solid waste disposal to be utilized and the energy or material which shall be recovered from the waste; and
 - e. Such other data that the Department may reasonably require.
- (5b) Authorize units of local government to require by ordinance, that all solid waste generated within the designated geographic area that is placed in the waste stream for disposal be collected, transported, stored and disposed of at a permitted solid waste management facility or facilities serving such area. The provisions of such ordinance shall not be construed to prohibit the source separation of materials from solid waste prior to collection of such solid waste for disposal, or prohibit collectors of solid waste from recycling materials or limit access to such materials as an incident to collection of such solid waste; provided such prohibitions do not authorize the construction and operation of a resource recovery facility unless specifically permitted pursuant to an approved solid waste management plan. If a private solid waste landfill shall be substantially affected by such ordinance then the unit of local government adopting the ordinance shall be required to give the operator of the affected landfill at least two years written notice prior to the effective date of the proposed ordinance.
- (5c) Except for the authority to designate a geographic area to be serviced by a solid waste management facility, delegate authority and responsibility to units of local government to perform all or a portion of a solid waste management program within the jurisdictional area of the unit of local government; provided that no authority over or control of the operations or properties of one local government shall be delegated to any other local government.
- (5d) Require that an annual report of the implementation of the solid waste management plan within the designated geographic area be filed with the Department.

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- (6) ~~The Department is authorized to charge~~ Charge and collect fees from operators of hazardous waste disposal facilities. The fees shall be used to establish a fund sufficient for each individual facility to defray the anticipated costs to the State for monitoring and care of the facility after the termination of the period during which the facility operator is required by applicable State and federal statutes, regulations or rules to remain responsible for post-closure monitoring and care. In establishing the fees, consideration shall be given to the size of the facility, the nature of the hazardous waste and the projected life of the facility.
- (7) Establish and collect annual fees from generators and transporters of hazardous waste, and from storage, treatment, and disposal facilities regulated under this Article as provided in G.S. 130A-294.1.

(a1) A permit for a solid waste management facility may be transferred only with the approval of the Department.

(b) The Commission shall adopt and the Department shall enforce rules to implement a comprehensive statewide solid waste management program. The rules shall be consistent with applicable State and federal law; and shall be designed to protect the public health, safety, and welfare; preserve the environment; and provide for the greatest possible conservation of cultural and natural resources. Rules for the establishment, location, operation, maintenance, use, discontinuance, recordation, post-closure care of solid waste management facilities also shall be based upon recognized public health practices and procedures, including applicable epidemiological research and studies; hydrogeological research and studies; sanitary engineering research and studies; and current technological development in equipment and methods. The rules shall not apply to the management of solid waste that is generated by an individual or individual family or household unit on the individual's property and is disposed of on the individual's property.

~~(b0) The Commission shall adopt rules for financial responsibility to ensure the availability of sufficient funds for closure and post closure maintenance and monitoring at solid waste management facilities, and for any corrective action the Department may require during the active life of a facility or during the closure and post closure periods. The rules may permit demonstration of financial responsibility through the use of a letter of credit, insurance, surety, trust agreement, financial test, or guarantee by corporate parents or third parties who can pass the financial test. The rules shall require that an owner or operator of a privately owned solid waste management facility demonstrate financial responsibility by a method or combinations of methods that will ensure that sufficient funds for closure, post closure maintenance and monitoring, and any corrective action that the Department may require will be available during the active life of the facility, at closure, and for a period of not less than 30 years after closure even if the owner or operator becomes insolvent~~

~~or ceases to reside, be incorporated, do business, or maintain assets in the State.~~

- (b1) (1) For purposes of this subsection and subdivision (4) of subsection (a) of this section, a "substantial amendment" means either:
- a. An increase of ten percent (10%) or more in:
 1. The population of the geographic area to be served by the sanitary landfill;
 2. The quantity of solid waste to be disposed of in the sanitary landfill; or
 3. The geographic area to be served by the sanitary landfill.
 - b. A change in the categories of solid waste to be disposed of in the sanitary landfill or any other change to the application for a permit or to the permit for a sanitary landfill that the Commission or the Department determines to be substantial.
- (2) A person who intends to apply for a new permit, the renewal of a permit, or a substantial amendment to a permit for a sanitary landfill shall obtain, prior to applying for a permit, a franchise for the operation of the sanitary landfill from each local government having jurisdiction over any part of the land on which the sanitary landfill and its appurtenances are located or to be located. A local government may adopt a franchise ordinance under G.S. 153A-136 or G.S. 160A-319. A franchise granted for a sanitary landfill shall include all of the following:
- a. A statement of the population to be served, including a description of the geographic area.
 - b. A description of the volume and characteristics of the waste stream.
 - c. A projection of the useful life of the sanitary landfill.
 - d. An explanation of how the franchise will be consistent with the jurisdiction's solid waste management plan required under G.S. 130A-309.09A, including provisions for waste reduction, reuse, and recycling.
 - e. The procedures to be followed for governmental oversight and regulation of the fees and rates to be charged by facilities subject to the franchise for waste generated in the jurisdiction of the franchising entity.
 - f. A facility plan for the sanitary landfill that shall include the ~~exact~~ boundaries of the proposed facility, proposed development of the facility site

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in five-year operational phases, the boundaries of all waste disposal units, final elevations and capacity of all waste disposal units, the amount of waste to be received per day in tons, the total waste disposal capacity of the sanitary landfill in tons, a description of environmental controls, and a description of any other waste management activities to be conducted at the facility. In addition, the facility plan shall show the proposed location of soil borrow areas, leachate facilities, and all other facilities and infrastructure, including ingress and egress to the facility.

- (2a) A local government may elect to award a preliminary franchise. If a local government elects to award a preliminary franchise, the preliminary franchise shall contain, at a minimum, all of the information described in sub-subdivisions a. through e. of subdivision (2) of this subsection plus a general description of the proposed sanitary landfill, including the approximate number of acres required for the proposed sanitary landfill and its appurtenances and a description of any other solid waste management activities that are to be conducted at the site.
- (3) Prior to the award of a franchise for the construction or operation of a sanitary landfill, the board of commissioners of the county or counties in which the sanitary landfill is proposed to be located or is located or, if the sanitary landfill is proposed to be located or is located in a city, the governing board of the city shall conduct a public hearing. The board of commissioners of the county or counties in which the sanitary landfill is proposed to be located or is located or, if the sanitary landfill is proposed to be located or is located in a city, the governing board of the city shall provide at least 30 days' notice to the public of the public hearing. The notice shall include a summary of all the information required to be included in the franchise, and shall specify the procedure to be followed at the public hearing. The applicant for the franchise shall provide a copy of the application for the franchise that includes all of the information required to be included in the franchise, to the public library closest to the proposed sanitary landfill site to be made available for inspection and copying by the public.
- (4) An applicant for a new permit, the renewal of a permit, or a substantial amendment to a permit for a sanitary landfill

shall request each local government having jurisdiction over any part of the land on which the sanitary landfill and its appurtenances are located or to be located to issue a determination as to whether the local government has in effect a franchise, zoning, subdivision, or land-use planning ordinance applicable to the sanitary landfill and whether the proposed sanitary landfill, or the existing sanitary landfill as it would be operated under the renewed or substantially amended permit, would be consistent with the applicable ordinances. The request to the local government shall be accompanied by a copy of the permit application and shall be delivered to the clerk of the local government personally or by certified mail. In order to serve as a basis for a determination that an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a sanitary landfill is consistent with a zoning, subdivision, or land-use planning ordinance, an ordinance or zoning classification applicable to the real property designated in the permit application shall have been in effect not less than 90 days prior to the date the request for a determination of consistency is delivered to the clerk of the local government. The determination shall be verified or supported by affidavit signed by the chief administrative officer, the chief administrative officer's designee, clerk, or other official designated by the local government to make the determination and, if the local government states that the sanitary landfill as it would be operated under the new, renewed, or substantially amended permit is inconsistent with a franchise, zoning, subdivision, or land-use planning ordinance, shall include a copy of the ordinance and the specific reasons for the determination of inconsistency. A copy of the determination shall be provided to the applicant when the determination is submitted to the Department. The Department shall not act upon an application for a permit under this section until it has received a determination from each local government requested to make a determination by the applicant; provided that if a local government fails to submit a determination to the Department as provided by this subsection within 15 days after receipt of the request, the Department shall proceed to consider the permit application without regard to a franchise, local zoning, subdivision, and land-use planning ordinances. Unless the local government makes a subsequent determination of consistency with all ordinances cited in the determination

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or the sanitary landfill as it would be operated under the new, renewed, or substantially amended permit is determined by a court of competent jurisdiction to be consistent with the cited ordinances, the Department shall attach as a condition of the permit a requirement that the applicant, prior to construction or operation of the sanitary landfill under the permit, comply with all lawfully adopted local ordinances cited in the determination that apply to the sanitary landfill. This subsection shall not be construed to affect the validity of any lawfully adopted franchise, local zoning, subdivision, or land-use planning ordinance or to affect the responsibility of any person to comply with any lawfully adopted franchise, local zoning, subdivision, or land-use planning ordinance. This subsection shall not be construed to limit any opportunity a local government may have to comment on a permit application under any other law or rule. This subsection shall not apply to any facility with respect to which local ordinances are subject to review under either G.S. 104E-6.2 or G.S. 130A-293.

- (5) As used in this subdivision, "coal-fired generating unit" and "investor-owned public utility" have the same meaning as in G.S. 143-215.107D(a). Notwithstanding subdivisions (a)(4), (b1)(3), or (b1)(4) of this section, no franchise shall be required 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.

(b2) The Department ~~may~~ shall require an applicant for a permit or a permit holder under this Article to satisfy the Department that the applicant or permit holder, and any parent, subsidiary, or other affiliate of the applicant, permit holder, or parent, including any joint venturer with a direct or indirect interest in the applicant, permit holder, or parent:

- (1) Is financially qualified to carry out the activity for which the permit is required. An applicant for a permit and permit holders for solid waste management facilities that are not hazardous waste facilities shall establish financial responsibility as required by ~~G.S. 130A-294(b)~~ G.S. 130A-295.2. An applicant for a permit and permit holders for hazardous waste facilities shall establish financial responsibility as required by G.S. 130A-295.04.
- (2) Has substantially complied with the requirements applicable to any ~~solid waste management~~ activity in which the ~~applicant~~ applicant or permit holder, or a parent, subsidiary, or other affiliate of the applicant,

permit holder, or parent, or a joint venturer with a direct or indirect interest in the applicant has previously engaged and has been in substantial compliance with federal and state laws, regulations, and rules for the protection of the ~~environment~~ environment as provided in G.S. 130A-295.3.

(b3) An applicant for a permit or a permit holder under this Article shall satisfy the Department that the applicant has met the requirements of subsection (b2) of this section before the Department is required to otherwise review the application. ~~In order to continue to hold a permit under this Article, a permittee must remain financially qualified and must provide any information requested by the Department to demonstrate that the permittee continues to be financially qualified.~~

...."

SECTION 1.(b) This section becomes effective 1 August 2007 and applies to any application for a permit for a solid waste management facility that is pending on that date.

SECTION 2.(a) G.S. 130A-18 reads as rewritten:

"§ 130A-18. Injunction.

(a) If a person shall violate any provision of this ~~Chapter or Chapter~~, the rules adopted by the Commission or rules adopted by a local board of health, or a condition or term of a permit or order issued under this Chapter, the Secretary or a local health director may institute an action for injunctive relief, irrespective of all other remedies at law, in the superior court of the county where the violation occurred or where a defendant resides.

(b) The Secretary of Environment and Natural Resources and a local health director shall have the same rights enumerated in subsection (a) of this section to enforce the provisions of Part 4 of Article 5 and Articles 8, 9, 10, 11, and 12 of this Chapter."

SECTION 2.(b) This section becomes effective 1 August 2007 and applies to violations that occur on or after that date.

SECTION 3.(a) G.S. 130A-22(a) reads as rewritten:

"(a) The Secretary of Environment and Natural Resources may impose an administrative penalty on a person who violates Article 9 of this Chapter, rules adopted by the Commission pursuant to Article 9, or any term or condition of a permit or order issued under Article 9. Each day of a continuing violation shall constitute a separate violation. The penalty shall not exceed ~~five thousand dollars (\$5,000)~~ fifteen thousand dollars (\$15,000) per day in the case of a violation involving nonhazardous waste. The penalty shall not exceed ~~twenty-five thousand dollars (\$25,000)~~ thirty-two thousand five hundred dollars (\$32,500) per day in the case of a first violation involving hazardous waste as defined in G.S. 130A-290 or involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in medical waste entering waters or lands of the State; and shall not exceed fifty thousand dollars (\$50,000) per day for a second or further violation involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner that

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results in medical waste entering waters or lands of the State. The penalty shall not exceed ~~twenty five thousand dollars (\$25,000)~~ thirty-two thousand five hundred dollars (\$32,500) per day for a violation involving a voluntary remedial action implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted pursuant to G.S. 130A-310.12(b). If a person fails to pay a civil penalty within 60 days after the final agency decision or court order has been served on the violator, the Secretary of Environment and Natural Resources shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment. Such civil actions must be filed within three years of the date the final agency decision or court order was served on the violator."

SECTION 3.(b) This section becomes effective 1 August 2007 and applies to violations that occur on or after that date.

SECTION 4.(a) G.S. 130A-22 is amended by adding a new subsection to read:

"(j) The Secretary of Environment and Natural Resources may also assess the reasonable costs of any investigation, inspection, or monitoring associated with the assessment of the civil penalty against any person who is assessed a civil penalty under this section."

SECTION 4.(b) This section becomes effective 1 August 2007 and applies to violations that occur on or after that date.

SECTION 5.(a) Part 2 of Article 9 of Chapter 130A of the General Statutes is amended by adding a new section to read:

§ 130A-295.2. Financial responsibility requirements for applicants and permit holders for solid waste management facilities.

(a) As used in this section:

- (1) 'Financial assurance' refers to the ability of an applicant or permit holder to pay the costs of assessment and remediation in the event of a release of pollutants from a facility, closure of the facility in accordance with all applicable requirements, and post-closure monitoring and maintenance of the facility.
- (2) 'Financial qualification' refers to the ability of an applicant or permit holder to pay the costs of proper design, construction, operation, and maintenance of the facility.
- (3) 'Financial responsibility' encompasses both financial assurance and financial qualification.

(b) The Commission may adopt rules governing financial responsibility requirements for applicants for permits and for permit holders to ensure the availability of sufficient funds for the proper design, construction, operation, maintenance, closure, and post-closure monitoring and maintenance of solid waste management facilities and for any corrective action the Department may require during the active life of a facility or during the closure and post-closure periods.

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(c) The Department may provide a copy of any filing that an applicant for a permit or a permit holder submits to the Department to meet the financial responsibility requirements under this section to the State Treasurer. The State Treasurer shall review the filing and provide the Department with a written opinion as to the adequacy of the filing to meet the purposes of this section, including any recommended changes.

(d) The Department may, in its sole discretion, require an applicant for a permit to construct a facility to demonstrate its financial qualification for the design, construction, operation, and maintenance of a facility. The Department may require an applicant for a permit for a solid waste management facility to provide cost estimates for site investigation; land acquisition, including financing terms and land ownership; design; construction of each five-year phase, if applicable; operation; maintenance; closure; and post-closure monitoring and maintenance of the facility to the Department. The Department may allow an applicant to demonstrate its financial qualifications for only the first five-year phase of the facility. If the Department allows an applicant for a permit to demonstrate its financial qualification for only the first five-year phase of the facility, the Department shall require the applicant or permit holder to demonstrate its financial qualification for each successive five-year phase of the facility when applying for a permit to construct each successive phase of the facility.

(e) If the Department requires an applicant for a permit or a permit holder for a solid waste management facility to demonstrate its financial qualification, the applicant or permit holder shall provide an audited, certified financial statement. An applicant who is required to demonstrate its financial qualification may do so through a combination of cash deposits, insurance, and binding loan commitments from a financial institution licensed to do business in the State and rated AAA by Standard & Poor's, Moody's Investor Service, or Fitch, Inc. If assets of a parent, subsidiary, or other affiliate of the applicant or a permit holder, or a joint venturer with a direct or indirect interest in the applicant or permit holder, are proposed to be used to demonstrate financial qualification, then the party whose assets are to be used must be designated as a joint permittee with the applicant on the permit for the facility.

(f) The applicant and permit holder for a solid waste management facility shall establish financial assurance by a method or combination of methods that will ensure that sufficient funds for closure, post-closure maintenance and monitoring, and any corrective action that the Department may require will be available during the active life of the facility, at closure, and for any post-closure period of time that the Department may require even if the applicant or permit holder becomes insolvent or ceases to reside, be incorporated, do business, or maintain assets in the State. Rules adopted by the Commission may allow a business entity that is an applicant for a permit or a permit holder to establish financial assurance through insurance, irrevocable letters of credit, trusts, surety bonds, or any other financial device, or any combination of the foregoing shown to provide protection equivalent to the financial protection that would be provided by insurance if insurance were the

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only mechanism used. Assets used to meet the financial assurance requirements of this section shall be in a form that will allow the Department to readily access funds for the purposes set out in this section. Assets used to meet financial assurance requirements of this section shall not be accessible to the permit holder except as approved by the Department.

(g) In order to continue to hold a permit under this Article, a permit holder must maintain financial responsibility and must provide any information requested by the Department to establish that the permit holder continues to maintain financial responsibility. A permit holder shall notify the Department of any significant change in the: (i) identity of any person or structure of the business entity that holds the permit for the facility; (ii) identity of any person or structure of the business entity that owns or operates the facility; or (iii) assets of the permit holder, owner, or operator of the facility. The permit holder shall notify the Department within 30 days of a significant change. A change shall be considered significant if it has the potential to affect the financial responsibility of the permit holder, owner, or operator, or if it would result in a change in the identity of the permit holder, owner, or operator for purposes of either financial responsibility or environmental compliance review. Based on its review of the changes, the Department may require the permit holder to reestablish financial responsibility and may modify or revoke a permit, or require issuance of a new permit.

(h) To meet the financial assurance requirements of this section, the owner or operator of a sanitary landfill shall establish financial assurance sufficient to cover a minimum of three million dollars (\$3,000,000) in costs for potential assessment and corrective action at the facility. The Department may require financial assurance in a higher amount and may increase the amount of financial assurance required of a permit holder at any time based upon the types of waste disposed in the landfill, the projected amount of waste to be disposed in the landfill, the location of the landfill, potential receptors of releases from the landfill, and inflation. The financial assurance requirements of this subsection are in addition to the other financial responsibility requirements set out in this section.

(i) The Commission may adopt rules under which a unit of local government and a solid waste management authority created pursuant to Article 22 of Chapter 153A of the General Statutes may meet the financial responsibility requirements of this section by either a local government financial test or a capital reserve fund requirement."

SECTION 5.(b) G.S. 130A-309.27 reads as rewritten:

"§ 130A-309.27. ~~Landfill escrow account.~~ Joint and several liability.

(a) As used in this section:

(1) "Owner or operator" means, in addition to the usual meanings of the term, any owner of record of any interest in land on which a landfill is or has been sited, ~~and any person or corporation which~~ business entity that owns a majority interest in any other corporation-business entity which is the owner or operator of a landfill-landfill, and

any person designated as a joint permittee pursuant to G.S. 130A-295.2(e).

- (2) "Proceeds" means all funds collected and received by the Department, including interest and penalties on delinquent fees.

(b) Every owner or operator of a landfill is jointly and severally liable for the improper operation and closure of the landfill, as provided by law.

~~(c) The owner or operator of a landfill shall establish a fee, or a surcharge on existing fees or other appropriate revenue producing mechanism, to ensure the availability of financial resources for the proper closure of the landfill. However, the disposal of solid waste by persons on their own property is exempt from the provisions of this section.~~

- ~~(1) The revenue producing mechanism must produce revenue at a rate sufficient to generate funds to meet State and federal landfill closure requirements.~~

- ~~(2) The revenue shall be deposited in an interest bearing escrow account to be held and administered by the owner or operator. The owner or operator shall file with the Department an annual audit of the account. The audit shall be conducted by a certified public accountant and shall be filed no later than 31 December of each year. Failure to collect or report this revenue, except as allowed in subsection (d), is a noncriminal violation, punishable by a fine of not more than five thousand dollars (\$5,000) for each offense. The owner or operator may make expenditures from the account and its accumulated interest only for the purpose of landfill closure and, if such expenditures do not deplete the fund to the detriment of eventual closure, for planning and construction of resource recovery or landfill facilities. Any moneys remaining in the account after paying for proper and complete closure, as determined by the Department, shall, if the owner or operator does not operate a landfill, be deposited by the owner or operator into the general fund of the unit of local government.~~

- ~~(3) The revenue generated under this subsection and any accumulated interest thereon may be applied to the payment of, or pledged as security for, the payment of revenue bonds issued in whole or in part for the purpose of complying with State and federal landfill closure requirements. The application or pledge may be made directly in the proceedings authorizing the bonds or in an agreement with an insurer of bonds to assure the insurer of this additional security.~~

~~(d) An owner or operator may establish proof of financial responsibility with the Department in lieu of the requirements of subsection (c).~~

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~~This proof may include surety bonds, certificates of deposit, securities, letter of credit, corporate guarantee, or other documents showing that the owner or operator has sufficient financial resources to cover, at a minimum, the costs of complying with landfill closure requirements. The owner or operator shall estimate the costs to the satisfaction of the Department.~~

~~(e) This section does not repeal, limit, or abrogate any other law authorizing units of local government to fix, levy, or charge rates, fees, or charges for the purpose of complying with State and federal landfill closure requirements.~~

~~(f) The Commission shall adopt rules to implement this section."~~

SECTION 5.(c) This section becomes effective 1 August 2007 and applies to any application for a permit for a solid waste management facility that is pending on that date. The provisions of G.S. 130A-295.2(h), as enacted by this section, apply to the owner or operator of a sanitary landfill when the permit is next subject to renewal after 1 August 2009.

SECTION 6.(a) Part 2 of Article 9 of Chapter 130A of the General Statutes is amended by adding a new section to read:

§ 130A-295.3. Environmental compliance review requirements for applicants and permit holders.

(a) For purposes of this section, "applicant" means an applicant for a permit and a permit holder and includes the owner or operator of the facility, and, if the owner or operator is a business entity, applicant also includes: (i) the parent, subsidiary, or other affiliate of the applicant; (ii) a partner, officer, director, member, or manager of the business entity, parent, subsidiary, or other affiliate of the applicant; and (iii) any person with a direct or indirect interest in the applicant, other than a minority shareholder of a publicly traded corporation who has no involvement in management or control of the corporation or any of its parents, subsidiaries, or affiliates.

(b) The Department shall conduct an environmental compliance review of each applicant for a new permit, permit renewal, and permit amendment under this Article. The environmental compliance review shall evaluate the environmental compliance history of the applicant for a period of five years prior to the date of the application and may cover a longer period at the discretion of the Department. The environmental compliance review of an applicant may include consideration of the environmental compliance history of the parents, subsidiaries, or other affiliates of an applicant or parent that is a business entity, including any business entity or joint venturer with a direct or indirect interest in the applicant, and other facilities owned or operated by any of them. The Department shall determine the scope of the review of the environmental compliance history of the applicant, parents, subsidiaries, or other affiliates of the applicant or parent, including any business entity or joint venturer with a direct or indirect interest in the applicant, and of other facilities owned or operated by any of them. An applicant for a permit shall provide environmental compliance history information for each facility, business entity, joint venture, or other undertaking in which any of the persons listed in this subsection is or has been an owner, operator, officer, director, manager,

member, or partner, or in which any of the persons listed in this subsection has had a direct or indirect interest as requested by the Department.

(c) The Department shall determine the extent to which the applicant, or a parent, subsidiary, or other affiliate of the applicant or parent, or a joint venturer with a direct or indirect interest in the applicant, has substantially complied with the requirements applicable to any activity in which any of these entities previously engaged, and has substantially complied with federal and State laws, regulations, and rules for the protection of the environment. The Department may deny an application for a permit if the applicant has a history of significant or repeated violations of statutes, rules, orders, or permit terms or conditions for the protection of the environment or for the conservation of natural resources as evidenced by civil penalty assessments, administrative or judicial compliance orders, or criminal penalties.

(d) A permit holder shall notify the Department of any significant change in its environmental compliance history or other information required by G.S. 130-295.2(g). The Department may reevaluate the environmental compliance history of a permit holder and may modify or revoke a permit or require issuance of a new permit."

SECTION 6.(b) G.S. 130A-309.06(b) is repealed.

SECTION 6.(c) This section becomes effective 1 August 2007 and applies to any application for a permit for a solid waste management facility that is pending on that date.

SECTION 7.(a) G.S. 130A-290(a) is amended by adding three new subdivisions to read:

"(2a) "Coal-fired generating unit" means a coal-fired generating unit, as defined by 40 Code of Federal Regulations § 96.2 (1 July 2001 Edition), that is located in this State and has the capacity to generate 25 or more megawatts of electricity.

(2b) "Combustion products" means residuals, including fly ash, bottom ash, boiler slag, mill rejects, and flue gas desulfurization residue produced by a coal-fired generating unit.

(2c) "Combustion products landfill" means a facility or unit for the disposal of combustion products, where the landfill is located at the same facility with the coal-fired generating unit or units producing the combustion products, and where the landfill is located wholly or partly on top of a facility that is, or was, being used for the disposal or storage of such combustion products, including, but not limited to, landfills, wet and dry ash ponds, and structural fill facilities."

SECTION 7.(b) Part 2 of Article 9 of Chapter 130A of the General Statutes is amended by adding a new section to read:

§ 130A-295.4. Combustion products landfills.

(a) The definitions set out in G.S. 130A-290(a) apply to this section.

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(b) The Department may permit a combustion products landfill to be constructed partially or entirely within areas that have been formerly used for the storage or disposal of combustion products at the same facility as the coal-fired generating unit that generates the combustion products, provided the landfill is constructed with a bottom liner system consisting of three components in accordance with this section. Of the required three components, the upper two components shall consist of two separate flexible membrane liners, with a leak detection system between the two liners. The third component shall consist of a minimum of two feet of soil underneath the bottom of those liners, with the soil having a maximum permeability of 1×10^{-7} centimeters per second. The flexible membrane liners shall have a minimum thickness of thirty one-thousandths of an inch (0.030"), except that liners consisting of high-density polyethylene shall be at least sixty one-thousandths of an inch (0.060") thick. The lower flexible membrane liner shall be installed in direct and uniform contact with the compacted soil layer. The Department may approve an alternative to the soil component of the composite liner system if the Department finds, based on modeling, that the alternative liner system will provide an equivalent or greater degree of impermeability.

(c) An applicant for a permit for a combustion products landfill shall develop and provide to the Department a response plan, which shall describe the circumstances under which corrective measures are to be taken at the landfill in the event of the detection of leaks in the leak detection system between the upper two liner components at amounts exceeding an amount specified in the response plan (as expressed in average gallons per day per acre of landfill, defined as an Action Leakage Rate). The response plan shall also describe the remedial actions that the landfill is required to undertake in response to detection of leakage in amounts in excess of the Action Leakage Rate. The Department shall review the response plan as a part of the permit application for the landfill. Compliance with performance of the landfill to prevent releases of waste to the environment may be determined based on leakage rate rather than monitoring well data."

SECTION 7.(c) This section becomes effective 1 August 2007. Any permit issued for a combustion products landfill as described in this section shall, for purposes of this bill, be considered to have been permitted on property described in a solid waste management facility permit that is in effect on 1 August 2007.

SECTION 8.(a) Part 2 of Article 9 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-295.5. Traffic study required for certain solid waste management facilities.

(a) An applicant for a permit for a sanitary landfill or for a transfer station shall conduct a traffic study of the impacts of the proposed facility. The Department shall include as a condition of a permit for a sanitary landfill or for a transfer station a requirement that the permit holder mitigate adverse impacts identified by the traffic study. The study shall include all of the following at a minimum:

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- (1) Identification of routes from the nearest limited access highway used to access the proposed facility.
- (2) Daily and hourly traffic volumes that will result along each approach route between the nearest limited access highway and the proposed facility.
- (3) A map identifying land uses located along the identified approach routes, including, but not limited to, residential, commercial, industrial development, and agricultural operations. The map shall identify residences, schools, hospitals, nursing homes, and other significant buildings that front the approach routes.
- (4) Identification of locations on approach routes where road conditions are inadequate to handle the increased traffic associated with the proposed facility and a description of the mitigation measures proposed by the applicant to address the conditions.
- (5) A description of the potential adverse impacts of increased traffic associated with the proposed facility and the mitigation measures proposed by the applicant to address these impacts.
- (6) An analysis of the impact of any increase in freight traffic on railroads and waterways.

(b) An applicant for a permit for a sanitary landfill or for a transfer station may satisfy the requirements of subsection (a) of this section by obtaining a certification from the Division Engineer of the Department of Transportation that the proposed facility will not have a substantial impact on highway traffic."

SECTION 8.(b) This section becomes effective 1 August 2007 and applies to any application for a permit for a solid waste management facility that is pending on that date. The section shall not apply to:

- (1) An amendment, modification, or other change to a permit for a landfill issued on or before 1 June 2006.
- (2) A permit for a horizontal or vertical expansion of the landfill permitted on or before 1 June 2006.
- (3) 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.
- (4) A permit to operate a new landfill if a permit to construct the new landfill was issued on or before 1 June 2006.
- (5) 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.
- (6) 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

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a natural disaster.

SECTION 9.(a) Part 2 of Article 9 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-295.6. Additional requirements for sanitary landfills.

(a) The Department shall conduct a study of the environmental impacts of any proposed sanitary landfill. The study shall meet all of the requirements set forth in G.S. 113A-4 and rules adopted pursuant to G.S. 113A-4. If an environmental impact statement is required, the Department shall publish notice of the draft environmental impact statement and shall hold a public hearing in the county where the landfill will be located no sooner than 30 days following the public notice. The Department shall consider the study of environmental impacts and any mitigation measures proposed by the applicant in deciding whether to issue or deny a permit. An applicant for a permit for a sanitary landfill shall pay all costs incurred by the Department to comply with this subsection including the costs of any special studies that may be required.

(b) The Department shall require a buffer between any perennial stream or wetland and the nearest waste disposal unit of a sanitary landfill of at least 200 feet. The Department may approve a buffer of less than 200 feet, but in no case less than 100 feet, if it finds all of the following:

- (1) The proposed sanitary landfill or expansion of the sanitary landfill will serve a critical need in the community.
- (2) There is no feasible alternative location that would allow siting or expansion of the sanitary landfill with 200-foot buffers.

(c) A waste disposal unit of a sanitary landfill shall not be constructed within:

- (1) A 100-year floodplain or land removed from a 100-year floodplain designation pursuant to 44 Code of Federal Regulations Part 72 (1 October 2006 Edition) as a result of man-made alterations within the floodplain such as the placement of fill, except as authorized by variance granted under G.S. 143-215.54A(b). This subdivision does not apply to land removed from a 100-year floodplain designation (i) as a result of floodplain map corrections or updates not resulting from man-made alterations of the affected areas within the floodplain, or (ii) pursuant to 44 Code of Federal Regulations Part 70 (1 October 2006 Edition) by a letter of map amendment.
- (2) A wetland, unless the applicant or permit holder can show all of the following, as to the waste disposal unit:
 - a. Where applicable under section 404 of the federal Clean Water Act or applicable State wetlands laws, the presumption that a practicable alternative to the proposed waste disposal unit is available which does not involve wetlands is clearly rebutted;

- b. Construction of the waste disposal unit will not do any of the following:
 - 1. Cause or contribute to violations of any applicable State water quality standard.
 - 2. Violate any applicable toxic effluent standard or prohibition under section 307 of the federal Clean Water Act.
 - 3. Jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the federal Endangered Species Act of 1973.
 - 4. Violate any requirement under the federal Marine Protection, Research, and Sanctuaries Act of 1972.
- c. Construction of the waste disposal unit will not cause or contribute to significant degradation of wetlands.
- d. To the extent required under section 404 of the federal Clean Water Act or applicable State wetlands laws, any unavoidable wetlands impacts will be mitigated.

(d) The Department shall not issue a permit to construct any disposal unit of a sanitary landfill if, at the time the application is determined to be complete under G.S. 130A-295.8(e), any portion of the proposed waste disposal unit would be located within:

- (1) Five miles of the outermost boundary of a National Wildlife Refuge.
- (2) One mile of the outermost boundary of a State gameland owned, leased, or managed by the Wildlife Resources Commission pursuant to G.S. 113-306.
- (3) Two miles of the outermost boundary of a component of the State Parks System.

(e) A sanitary landfill for the disposal of construction and demolition debris waste shall be constructed with a liner system that consists of a flexible membrane liner over two feet of soil with a maximum permeability of 1×10^{-5} centimeters per second. The flexible membrane liner shall have a minimum thickness of thirty one-thousandths of an inch (0.030"), except that a liner that consists of high-density polyethylene shall be at least sixty one-thousandths of an inch (0.060") thick. The flexible membrane liner shall be installed in direct and uniform contact with the soil layer. The Department may approve an alternative to the soil component of the liner system if the Department finds, based on modeling, that the alternative liner system will provide an equivalent or greater degree of impermeability.

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(f) A sanitary landfill, other than a sanitary landfill for the disposal of construction and demolition debris waste, shall be constructed so that the post-settlement bottom elevation of the liner system, or the post-settlement bottom elevation of the waste if no liner system is required, is a minimum of four feet above both the seasonal high groundwater table and the bedrock datum plane contours. A sanitary landfill for the disposal of construction and demolition debris waste shall be constructed so that the post-settlement bottom elevation of the flexible membrane liner component of the liner system is a minimum of four feet above both the seasonal high groundwater table and the bedrock datum plane contours.

(g) A permit holder for a sanitary landfill shall develop and implement a waste screening plan. The plan shall identify measures adequate to ensure compliance with State laws and rules and any applicable local ordinances that prohibit the disposal of certain items in landfills. The plan shall address all sources of waste generation. The plan is subject to approval by the Department.

(h) The following requirements apply to any sanitary landfill for which a liner is required:

- (1) A geomembrane base liner system shall be tested for leaks and damage by methods approved by the Department that ensure that the entire liner is evaluated.
- (2) A leachate collection system shall be designed to return the head of the liner to 30 centimeters or less within 72 hours. The design shall be based on the precipitation that would fall on an empty cell of the sanitary landfill as a result of a 25-year-24-hour storm event. The leachate collection system shall maintain a head of less than 30 centimeters at all times during leachate recirculation. The Department may require the operator to monitor the head of the liner to demonstrate that the head is being maintained in accordance with this subdivision and any applicable rules.
- (3) All leachate collection lines shall be designed and constructed to permanently allow cleaning and remote camera inspection. All leachate collection lines shall be cleaned at least once a year, except that the Department may allow leachate collection lines to be cleaned once every two years if: (i) the facility has continuous flow monitoring; and (ii) the permit holder demonstrates to the Department that the leachate collection lines are clear and functional based on at least three consecutive annual cleanings. Remote camera inspections of the leachate collection lines shall occur upon completion of construction, at least once every five years thereafter, and following the clearing of blockages.
- (4) Any pipes used to transmit leachate shall provide dual containment outside of the disposal unit. The bottom liner

of a sanitary landfill shall be constructed without pipe penetrations.

(i) The Department shall not issue a permit for a sanitary landfill that authorizes:

- (1) A capacity of more than 55 million cubic yards of waste.
- (2) A disposal area of more than 350 acres.
- (3) A maximum height, including the cap and cover vegetation, of more than 250 feet above the mean natural elevation of the disposal area."

SECTION 9.(b) This section becomes effective 1 August 2007 and applies to any application for a permit for a solid waste management facility that is pending on that date. To the extent that G.S. 130A-295.6, as enacted by this section, imposes requirements that are more stringent than those in effect prior to 1 August 2007, the more stringent requirements do not apply to:

- (1) An amendment, modification, or other change to a permit for a landfill issued on or before 1 June 2006.
- (2) A permit for a horizontal or vertical expansion of the landfill permitted on or before 1 June 2006.
- (3) 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.
- (4) A permit to operate a new landfill if a permit to construct the new landfill was issued on or before 1 June 2006.
- (5) 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.
- (6) 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.

SECTION 10.(a) G.S. 153A-292(b) reads as rewritten:

"(b) The board of county commissioners may impose a fee for the collection of solid waste. The fee may not exceed the costs of collection.

The board of county commissioners may impose a fee for the use of a disposal facility provided by the county. The fee for use may not exceed the cost of operating the facility and may be imposed only on those who use the facility. The fee for use may vary based on the amount, characteristics, and form of recyclable materials present in solid waste brought to the facility for disposal. A county may not impose a fee for the use of a disposal facility on a city located in the county or a contractor or resident of the city unless the fee is based on a schedule that applies uniformly throughout the county.

The board of county commissioners may impose a fee for the availability of a disposal facility provided by the county. A fee for availability may not exceed the cost of providing the facility and may be imposed on all improved property in the county that benefits from the availability of the facility. A county may not

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impose an availability fee on property whose solid waste is collected by a county, a city, or a private contractor for a fee if the fee imposed by a county, a city, or a private contractor for the collection of solid waste includes a charge for the availability and use of a disposal facility provided by the county. Property served by a private contractor who disposes of solid waste collected from the property in a disposal facility provided by a private contractor that provides the same services as those provided by the county disposal facility is not considered to benefit from a disposal facility provided by the county and is not subject to a fee imposed by the county for the availability of a disposal facility provided by the county. To the extent that the services provided by the county disposal facility differ from the services provided by the disposal facility provided by a private contractor in the same county, the county may charge an availability fee to cover the costs of the additional services provided by the county disposal facility.

In determining the costs of providing and operating a disposal facility, a county may consider solid waste management costs incidental to a county's handling and disposal of solid waste at its disposal facility, including the costs of the methods of solid waste management specified in G.S. 130A-309.04(a) of the Solid Waste Management Act of 1989. A fee for the availability or use of a disposal facility may be based on the combined costs of the different disposal facilities provided by the county."

SECTION 10.(b) G.S. 160A-314.1(a) reads as rewritten:

"(a) In addition to a fee that a city may impose for collecting solid waste or for using a disposal facility, a city may impose a fee for the availability of a disposal facility provided by the city. A fee for availability may not exceed the cost of providing the facility and may be imposed on all improved property in the city that benefits from the availability of the facility. A city may not impose an availability fee on property whose solid waste is collected by a county, a city, or a private contractor for a fee if the fee imposed by a county, a city, or a private contractor for the collection of solid waste includes a charge for the availability and use of a disposal facility provided by the city. Property served by a private contractor who disposes of solid waste collected from the property in a disposal facility provided by a private contractor that provides the same services as those provided by the city disposal facility is not considered to benefit from a disposal facility provided by the city and is not subject to a fee imposed by the city for the availability of a disposal facility provided by the city. To the extent that the services provided by the city disposal facility differ from the services provided by the disposal facility provided by a private contractor in the same city, the city may charge an availability fee to cover the costs of the additional services provided by the city disposal facility.

In determining the costs of providing and operating a disposal facility, a city may consider solid waste management costs incidental to a city's handling and disposal of solid waste at its disposal facility. A fee for the availability or use of a disposal facility may be based on the combined costs of the different disposal facilities provided by the city."

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SECTION 10.(c) This section becomes effective 1 August 2007.

SECTION 11.(a) G.S. 153A-136 is amended by adding two new subsections to read:

"(e) A county that has planning jurisdiction over any portion of the site of a sanitary landfill may employ a local government landfill liaison. No person who is responsible for any aspect of the management or operation of the landfill may serve as a local government landfill liaison. A local government landfill liaison shall have a right to enter public or private lands on which the landfill facility is located at reasonable times to inspect the landfill operation in order to:

- (1) Ensure that the facility meets all local requirements.
- (2) Identify and notify the Department of suspected violations of applicable federal or State laws, regulations, or rules.
- (3) Identify and notify the Department of potentially hazardous conditions at the facility.

(f) Entry pursuant to subsection (e) of this section shall not constitute a trespass or taking of property."

SECTION 11.(b) Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-325. Local government landfill liaison.

(a) A city that has planning jurisdiction over any portion of the site of a sanitary landfill may employ a local government landfill liaison. No person who is responsible for any aspect of the management or operation of the landfill may serve as a local government landfill liaison. A local government landfill liaison shall have a right to enter public or private lands on which the landfill facility is located at reasonable times to inspect the landfill operation in order to:

- (1) Ensure that the facility meets all local requirements.
- (2) Identify and notify the Department of suspected violations of applicable federal or State laws, regulations, or rules.
- (3) Identify and notify the Department of potentially hazardous conditions at the facility.

(b) Entry pursuant to this section shall not constitute a trespass or taking of property."

SECTION 11.(c) This section becomes effective 1 August 2007.

SECTION 12.(a) G.S. 130A-290(a), as amended by S.L. 2007-107, is amended by renumbering subdivision (1a) as (1b), renumbering subdivision (1b) as (1c), renumbering subdivision (1c) as (1d), and by adding a new subdivision to read:

"(1a) 'Business entity' has the same meaning as in G.S. 55-1-40(2a)."

SECTION 12.(b) G.S. 130A-290(a), as amended by S.L. 2007-107, is amended by renumbering subdivision (21a) as (21b) and by adding a new subdivision to read:

"(21a) 'Pre-1983 landfill' means any land area, whether publicly or privately owned, on which municipal solid waste disposal occurred prior to 1 January 1983 but not thereafter, but does not include any landfill used primarily

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for the disposal of industrial solid waste."

SECTION 12.(c) This section becomes effective 1 August 2007.

SECTION 13.(a) Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-295.8. Fees applicable to permits for solid waste management facilities.

(a) The Solid Waste Management Account is established as a nonreverting account within the Department. All fees collected under this section shall be credited to the Account and shall be used to support the solid waste management program established pursuant to G.S. 130A-294.

(b) As used in this section:

(1) 'New permit' means any of the following:

- a. An application for a permit for a solid waste management facility that has not been previously permitted by the Department. The term includes one site suitability review, the initial permit to construct, and one permit to operate the constructed portion of a phase included in the permit to construct.
- b. An application that proposes to expand the boundary of a permitted waste management facility for the purpose of expanding the permitted activity.
- c. An application that includes a proposed expansion to the boundary of a waste disposal unit within a permitted solid waste management facility.
- d. An application for a substantial amendment to a solid waste permit, as defined in G.S. 130A-294.

(2) 'Permit amendment' means any of the following:

- a. An application for a permit to construct and one permit to operate for the second and subsequent phases of landfill development described in the approved facility plan for a permitted solid waste management facility.
- b. An application for the five-year renewal of a permit for a permitted solid waste management facility or for a permit review of a permitted solid waste management facility.
- c. Any application that proposes a change in ownership or corporate structure of a permitted solid waste management facility.

(3) 'Permit modification' means any of the following:

- a. An application for any change to the plans approved in a permit for a solid waste management facility that does not constitute a 'permit amendment' or a 'new permit'.

b. A second or subsequent permit to operate for a constructed portion of a phase included in the permit to construct.

(c) An applicant for a permit shall pay an application fee upon submission of an application according to the following schedule:

- (1) Municipal Solid Waste Landfill accepting less than 100,000 tons/year of solid waste, New Permit – \$25,000.
- (2) Municipal Solid Waste Landfill accepting less than 100,000 tons/year of solid waste, Amendment – \$15,000.
- (3) Municipal Solid Waste Landfill accepting less than 100,000 tons/year of solid waste, Modification – \$1,500.
- (4) Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid waste, New Permit – \$50,000.
- (5) Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid waste, Amendment – \$30,000.
- (6) Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid waste, Modification – \$3,000.
- (7) Construction and Demolition Landfill accepting less than 100,000 tons/year of solid waste, New Permit – \$15,000.
- (8) Construction and Demolition Landfill accepting less than 100,000 tons/year of solid waste, Amendment – \$9,000.
- (9) Construction and Demolition Landfill accepting less than 100,000 tons/year of solid waste, Modification – \$1,500.
- (10) Construction and Demolition Landfill accepting 100,000 tons/year or more of solid waste, New Permit – \$30,000.
- (11) Construction and Demolition Landfill accepting 100,000 tons/year or more of solid waste, Amendment – \$18,500.
- (12) Construction and Demolition Landfill accepting 100,000 tons/year or more of solid waste, Modification – \$2,500.
- (13) Industrial Landfill accepting less than 100,000 tons/year of solid waste, New Permit – \$15,000.
- (14) Industrial Landfill accepting less than 100,000 tons/year of solid waste, Amendment – \$9,000.
- (15) Industrial Landfill accepting less than 100,000 tons/year of solid waste, Modification – \$1,500.
- (16) Industrial Landfill accepting 100,000 tons/year or more of solid waste, New Permit – \$30,000.
- (17) Industrial Landfill accepting 100,000 tons/year or more of solid waste, Amendment – \$18,500.
- (18) Industrial Landfill accepting 100,000 tons/year or more of solid waste, Modification – \$2,500.
- (19) Tire Monofill, New Permit – \$1,750.
- (20) Tire Monofill, Amendment – \$1,250.
- (21) Tire Monofill, Modification – \$500.
- (22) Treatment and Processing, New Permit – \$1,750.
- (23) Treatment and Processing, Amendment – \$1,250.

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- (24) Treatment and Processing, Modification – \$500.
- (25) Transfer Station, New Permit – \$5,000.
- (26) Transfer Station, Amendment – \$3,000.
- (27) Transfer Station, Modification – \$500.
- (28) Incinerator, New Permit – \$1,750.
- (29) Incinerator, Amendment – \$1,250.
- (30) Incinerator, Modification – \$500.
- (31) Large Compost Facility, New Permit – \$1,750.
- (32) Large Compost Facility, Amendment – \$1,250.
- (33) Large Compost Facility, Modification – \$500.
- (34) Land Clearing and Inert, New Permit – \$1,000.
- (35) Land Clearing and Inert, Amendment – \$500.
- (36) Land Clearing and Inert, Modification – \$250.

(d) A permitted solid waste management facility shall pay an annual permit fee on or before 1 August of each year according to the following schedule:

- (1) Municipal Solid Waste Landfill – \$3,500.
- (2) Post-Closure Municipal Solid Waste Landfill – \$1,000.
- (3) Construction and Demolition Landfill – \$2,750.
- (4) Post-Closure Construction and Demolition Landfill – \$500.
- (5) Industrial Landfill – \$2,750.
- (6) Post-Closure Industrial Landfill – \$500.
- (7) Transfer Station – \$750.
- (8) Treatment and Processing Facility – \$500.
- (9) Tire Monofill – \$500.
- (10) Incinerator – \$500.
- (11) Large Compost Facility – \$500.
- (12) Land Clearing and Inert Debris Landfill – \$500.

(e) The Department shall determine whether an application for a permit for a solid waste management facility that is subject to a fee under this section is complete within 90 days after the Department receives the application for the permit. A determination of completeness means that the application includes all required components but does not mean that the required components provide all of the information that is required for the Department to make a decision on the application. If the Department determines that an application is not complete, the Department shall notify the applicant of the components needed to complete the application. An applicant may submit additional information to the Department to cure the deficiencies in the application. The Department shall make a final determination as to whether the application is complete within the later of: (i) 90 days after the Department receives the application for the permit less the number of days that the applicant uses to provide the additional information; or (ii) 30 days after the Department receives the additional information from the applicant. The Department shall issue a draft permit decision on an application for a permit within one year after the Department determines that the application is complete. The Department

shall hold a public hearing and accept written comment on the draft permit decision for a period of not less than 30 or more than 60 days after the Department issues a draft permit decision. The Department shall issue a final permit decision on an application for a permit within 90 days after the comment period on the draft permit decision closes. The Department and the applicant may mutually agree to extend any time period under this subsection. If the Department fails to act within any time period set out in this subsection, the applicant may treat the failure to act as a denial of the permit and may challenge the denial as provided in Chapter 150B of the General Statutes."

SECTION 13.(b) This section becomes effective on 1 August 2007 and applies to any application for a permit for a solid waste management facility that is pending on that date, except that during the period 1 August 2007 through 1 August 2008 the Department shall determine whether an application or a permit for a solid waste management facility is complete within 270 days after the Department receives the application for the permit.

SECTION 14.(a) Subchapter I of Chapter 105 of the General Statutes is amended by adding a new Article to read:

"Article 5G.

"Solid Waste Disposal Tax.

"§ 105-187.60. Definitions.

The definitions set out in G.S. 105-164.3 and G.S. 130A-290 apply to this Article.

"§ 105-187.61. Tax imposed.

(a) Tax Rate. – An excise tax is imposed on the disposal of municipal solid waste and construction and demolition debris in any landfill permitted pursuant to Article 9 of Chapter 130A of the General Statutes at a rate of two dollars (\$2.00) per ton of waste. An excise tax is imposed on the transfer of municipal solid waste and construction and demolition debris to a transfer station permitted pursuant to Article 9 of Chapter 130A of the General Statutes for disposal outside the State at a rate of two dollars (\$2.00) per ton of waste.

(b) Tax Liability. – The excise tax imposed by this section is due on municipal solid waste and construction and demolition debris received from third parties and on municipal solid waste and construction and demolition debris disposed of by the owner or operator. The tax is payable by the owner or operator of each landfill and transfer station permitted under Article 9 of Chapter 130A of the General Statutes.

"§ 105-187.62. Administration.

The owner or operator of each landfill and transfer station permitted pursuant to Article 9 of Chapter 130A of the General Statutes shall maintain scales designed to determine waste tonnage that are approved by the Department of Agriculture and Consumer Services. Each owner or operator shall record waste tonnage at the time the waste is received and maintain other records as required by the Secretary of Revenue. An owner or operator may add the amount of the solid waste disposal tax due to the charges made to a third party for disposal of municipal solid waste or construction and demolition debris. The tax imposed by this Article is payable and a return is due to be filed in the same

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manner as required under G.S. 105-164.16 for sales and use tax.

"§ 105-187.63. Use of tax proceeds.

From the taxes received pursuant to this Article, the Secretary may retain the costs of collection, not to exceed two hundred twenty-five thousand dollars (\$225,000) a year, as reimbursement to the Department. The Secretary shall credit or distribute taxes received pursuant to this Article, less the cost of collection, as follows:

- (1) Fifty percent (50%) to the Inactive Hazardous Sites Cleanup Fund established by G.S. 130A-310.11.
- (2) Thirty-seven and one-half percent (37.5%) to units of local government that provide solid waste management services directly to residents within the political boundaries of the unit of local government as determined by the Department of Environment and Natural Resources, distributed on a per capita basis as described in G.S. 105-472(b)(1). Funds distributed under this subdivision shall be used by a unit of local government solely for solid waste management programs and services. As used in this subdivision, "unit of local government" includes a regional solid waste management authority established under Article 22 of Chapter 153A of the General Statutes.
- (3) Twelve and one-half percent (12.5%) to the Solid Waste Management Trust Fund established by G.S. 130A-309.12."

SECTION 14.(b) Part 2A of Article 9 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-295.9. Solid waste disposal tax; use of proceeds.

It is the intent that the proceeds of the solid waste disposal tax imposed by Article 5G of Chapter 105 of the General Statutes shall be used only for the following purposes:

- (1) Funds credited pursuant to G.S. 105-187.63(1) to the Inactive Hazardous Sites Cleanup Fund shall be used by the Department of Environment and Natural Resources to fund the assessment and remediation of pre-1983 landfills. Up to seven percent (7%) of the funds credited under this subdivision may be used to fund staff to administer contracts for the assessment and remediation of pre-1983 landfills.
- (2) Funds credited pursuant to G.S. 105-187.63(3) to the Solid Waste Management Trust Fund shall be used by the Department of Environment and Natural Resources to fund grants to State agencies and units of local government to initiate or enhance local recycling programs and to provide for the management of difficult to manage solid waste, including abandoned mobile

homes and household hazardous waste. Up to seven percent (7%) of the funds credited under this subdivision may be used by the Department to administer this Part."

SECTION 14.(c) G.S. 130A-310.6 is amended by adding four new subsections to read:

"(c) The Secretary shall use funds allocated to the Department under G.S. 130A-295.9(1) to assess pre-1983 landfills, to determine the priority for remediation of pre-1983 landfills, and to develop and implement a remedial action plan for each pre-1983 landfill that requires remediation. Environmental and human health risks posed by a pre-1983 landfill may be mitigated using a risk-based approach for assessment and remediation.

(d) The Secretary shall not seek cost recovery from a unit of local government for assessment and remedial action performed under subsection (c) of this section at a pre-1983 landfill. The Secretary shall not seek cost recovery for assessment and remedial action performed under subsection (c) of this section at a pre-1983 landfill from any other potentially responsible party if the Secretary develops and implements a remedial action plan for that pre-1983 landfill. If any potentially responsible party fails to cooperate with assessment of a site and implementation of control and mitigation measures at any site which the potentially responsible party owns or over which the potentially responsible party exercises control through a lease or other property interest, the Secretary may seek cost recovery for assessment and remedial action. Cooperation with assessment of a site and implementation of control and mitigation measures includes, but is not limited to, granting access to the site, allowing installation of monitoring wells, allowing installation and maintenance of improvements to the landfill cap, allowing installation of security measures, agreeing to record and implement land-use restrictions, and providing access to any records regarding the pre-1983 landfill. Nothing in this section shall alter any right, duty, obligation, or liability between a unit of local government and a third party. Nothing in this section shall alter any right, duty, obligation, or liability between any other potentially responsible party and a unit of local government, a third party, or, except as provided in this subsection, to the State.

(e) The Secretary shall develop and implement remedial action plans for pre-1983 landfills in the order of their priority determined as provided in subsection (c) of this section. The Secretary shall not develop or implement a remedial action plan for a pre-1983 landfill unless the Secretary determines that sufficient funds will be available from the Inactive Hazardous Sites Cleanup Fund to pay the costs of development and implementation of a remedial action plan for that pre-1983 landfill.

(f) A unit of local government that voluntarily undertakes assessment or remediation of a pre-1983 landfill may request that the Department reimburse the costs of assessment of the pre-1983 landfill and implementation of measures necessary to remediate the site to eliminate an imminent hazard. The Department shall provide reimbursement under this subsection if the Department finds all of the following:

(1) The unit of local government undertakes assessment and

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remediation under a plan approved by the Department.

- (2) The unit of local government provides a certified accounting of costs incurred for assessment and remediation.
- (3) Each contract for assessment and remediation complies with the requirements of Articles 3D and 8 of Chapter 143 of the General Statutes.
- (4) Remedial action is limited to measures necessary to abate the imminent hazard.

(g) The Department may undertake any additional action necessary to remediate a pre-1983 landfill based on the priority ranking of the site under subsection (c) of this section."

SECTION 14.(d) G.S. 130A-310.11 reads as rewritten:

"§ 130A-310.11. Inactive Hazardous Sites Cleanup Fund created.

(a) There is established under the control and direction of the Department the Inactive Hazardous Sites Cleanup Fund. This fund shall be a revolving fund consisting of any monies appropriated for such purpose by the General Assembly or available to it from grants, taxes, and other monies paid to it or recovered by or on behalf of the Department. The Inactive Hazardous Sites Cleanup Fund shall be treated as a nonreverting special trust fund and shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.

(b) Funds credited to the Inactive Hazardous Sites Cleanup Fund pursuant to G.S. 130A-295.9 shall be used only as provided in G.S. 130A-309.295.9(c)."

SECTION 14.(e) This section becomes effective 1 July 2008.

SECTION 15.(a) The Commission for Health Services shall review rules governing the design, construction, operation, maintenance, closure, and post-closure monitoring and maintenance of solid waste management facilities to determine whether changes are required to protect public health, safety, welfare, and the environment; to improve the performance of solid waste management facilities; to take advantage of technological advances in landfill design, construction, operation, maintenance, and closure; and to provide additional protection to environmentally sensitive areas of the State. The Commission shall adopt rules necessary to minimize impacts from solid waste management facilities on public health, safety, welfare, and the environment. These rules shall:

- (1) Establish standards for the collection, control, and utilization or destruction of landfill gases at municipal solid waste landfills.
- (2) Establish standards for the design, construction, operation, maintenance, closure, and post-closure monitoring and maintenance of bioreactor landfills.
- (3) Establish criteria for development of bird and wildlife management plans.
- (4) Incorporate measures necessary to minimize impacts to

natural, historic, and cultural resources, including, but not limited to, wetlands, critical fisheries habitats, parks, recreation areas, cultural and historic sites, and potential water supplies.

SECTION 15.(b) This section is effective when it becomes law.

SECTION 16.1.(a) Article 9 of Chapter 130A of the General Statutes is amended by adding a new Part to read:

"Part 2E. Discarded Computer Equipment Management.

"§ 130A-309.90. Findings.

The General Assembly makes the following findings:

- (1) The computer equipment waste stream is growing rapidly in volume and complexity and can introduce toxic materials into solid waste landfills.
- (2) It is in the best interests of the citizens of this State to have convenient, simple, and free access to recycling services for discarded computer equipment.
- (3) Collection programs operated by local government and nonprofit agencies are an efficient way to divert discarded computer equipment from disposal and to provide recycling services to all citizens of this State.
- (4) The development of local and nonprofit collection programs is hindered by the high costs of recycling and transporting discarded computer equipment.
- (5) No other system currently exists, either provided by electronics manufacturers, retailers, or others, to adequately serve all citizens of the State and to divert large quantities of discarded computer equipment from disposal.
- (6) Manufacturer responsibility is an effective way to ensure that manufacturers of computer equipment take part in a solution to the electronic waste problem.
- (7) The recycling of discarded computer equipment recovers valuable materials for reuse and will create jobs and expand the tax base of the State.

"§ 130A-309.91. Definitions.

As used in this Part, the following definitions apply:

- (1) Business entity. – Defined in G.S. 55-1-40(2a).(2)Computer equipment. – Any desktop central processing unit, any laptop computer, the monitor or video display unit for a computer system, and the keyboard, mice, and other peripheral equipment. Computer equipment does not include a printing device such as a printer, a scanner, a combination print-scanner-fax machine, or other device designed to produce hard paper copies from a computer; an automobile; a television; a household appliance; a large piece of

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commercial or industrial equipment, such as commercial medical equipment, that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display device that is contained within, and is not separate from, the larger piece of equipment, or other medical devices as that term is defined under the federal Food, Drug, and Cosmetic Act.

- (3) Discarded computer equipment. – Computer equipment that is solid waste.
- (4) Discarded computer equipment collector. – A municipal or county government, nonprofit agency, or retailer that accepts discarded computer equipment from the public.
- (5) Manufacturer. – A person who manufactures computer equipment sold under its own brand or label; sells under its own brand or label computer equipment produced by other suppliers; imports into the United States computer equipment that was manufactured outside of the United States; or owns a brand that it licenses to another person for use on computer equipment. Manufacturer includes a business entity that acquires another business entity that manufactures or has manufactured computer equipment.
- (6) Orphan discarded computer equipment. – Any discarded computer equipment for which a manufacturer cannot be identified or for which the manufacturer is no longer in business and has no successor in interest.
- (7) Retailer. – A person who sells computer equipment in the State to a consumer. Retailer includes a manufacturer of computer equipment that sells directly to a consumer through any means, including transactions conducted through sales outlets, catalogs, the Internet, or any similar electronic means, but does not include a person who sells computer equipment to a distributor or retailer through a wholesale transaction.

"§ 130A-309.92. Responsibility for recycling discarded computer equipment.

In addition to the specific requirements of this Part, discarded computer equipment collectors and manufacturers share responsibility for the recycling of discarded computer equipment and the education of citizens of the State as to recycling opportunities for discarded computer equipment."§ 130A-309.93. Requirements for manufacturers.

(a) Registration and Fee Required. – Each manufacturer of computer equipment, before selling or offering for sale computer equipment in North Carolina, shall register with the Department and, at the time of registration, shall pay an initial registration fee of ten thousand dollars (\$10,000) to the Department. A computer equipment manufacturer that has registered shall pay

an annual renewal registration fee of one thousand dollars (\$1,000) to the Department. The annual renewal registration fee shall be paid each year no later than the first day of the month in which the initial registration fee was paid. The proceeds of these fees shall be credited to the Computer Equipment Management Account. A manufacturer of computer equipment that sells 1,000 items of computer equipment or less per year is exempt from the requirement to pay the registration fee and the annual renewal fee imposed by this subsection.

(b) Manufacturer Label Required. – A manufacturer shall not sell or offer to sell computer equipment in this State unless a visible, permanent label clearly identifying the manufacturer of that device is affixed to the equipment.

(c) Computer Equipment Recycling Plan. – Each manufacturer of computer equipment shall develop and submit to the Department a plan for reuse or recycling of discarded computer equipment in the State produced by the manufacturer. The manufacturer shall submit a proposed plan to the Department within 120 days of registration as required by subsection (a) of this section. The plan shall:

- (1) Describe any direct take-back program to be implemented by the manufacturer, including mail-back programs and collection events.
- (2) Provide that the manufacturer will take responsibility for discarded computer equipment it manufactured.
- (3) Include a detailed description as to how the manufacturer will implement and finance the plan.
- (4) Provide for environmentally sound management practices to transport and recycle discarded computer equipment.
- (5) Describe the performance measures that will be used by the manufacturer to document recovery and recycling rates for discarded computer equipment. The calculation of recycling rates shall include the amount of discarded computer equipment managed under the manufacturer's program divided by the amount of computer equipment sold by the manufacturer in North Carolina.
- (6) Describe in detail how the manufacturer will provide for transportation of discarded computer equipment at no cost from discarded computer equipment collectors.
- (7) Describe in detail how the manufacturer will fully cover the costs of processing discarded computer equipment received from discarded computer equipment collectors.
- (8) Include a public education plan on the laws governing the recycling and reuse of discarded computer equipment under this Part and on the methods available to consumers to comply with those requirements.

(d) Computer Equipment Recycling Plan Revision. – A manufacturer may prepare a revised plan and submit it to the Department at any time as the manufacturer considers appropriate in response to changed circumstances or needs. The Department may require a manufacturer to revise or update a plan if

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the Department finds that the plan is inadequate or out-of-date.

(e) Payment of Costs for Plan Implementation. – Each manufacturer is responsible for all costs associated with the development and implementation of its plan. A manufacturer shall not collect a charge for the management of discarded computer equipment at the time the equipment is discarded.

(f) Joint Computer Equipment Recycling Plans. – A manufacturer may fulfill the requirements of this section by participation in a joint recycling plan with other manufacturers. A joint plan shall meet the requirements of subsection (c) of this section.

(g) Annual Report. – Each manufacturer shall submit a report to the Department by 1 February of each year that includes all of the following for the previous calendar year:

- (1) A description of the collection and recycling services used to recover the manufacturer's products.
- (2) The quantity and type of computer equipment sold by the manufacturer to retail consumers in this State.
- (3) The quantity and type of discarded computer equipment collected by the manufacturer for recovery in this State for the preceding calendar year.
- (4) Any other information requested by the Department.

"§ 130A-309.94. Requirements for discarded computer equipment collectors. Each discarded computer equipment collector shall ensure that discarded computer equipment received by the collector is consolidated at central locations, properly stored, and either held for pickup by a manufacturer or delivered to a facility designated by a manufacturer.

"§ 130A-309.95. Responsibilities of the Department.

In addition to its other responsibilities under this Part, the Department shall:

- (1) Develop and maintain a current list of manufacturers that are in compliance with the requirements of G.S. 130A-309.93 and provide the current list to the Office of Information Technology Services each time that the list is updated.
- (2) Develop and implement a public education program on the laws governing the recycling and reuse of discarded computer equipment under this Part and on the methods available to consumers to comply with those requirements. The Department shall make this information available on the Internet and shall provide technical assistance to manufacturers to meet the requirements of G.S. 130A-309.93(c)(8). The Department shall also provide technical assistance to units of local government on the establishment and operation of discarded computer equipment collection centers and in the development and implementation of local public education programs.
- (3) Maintain the confidentiality of any information that is

required to be submitted by a manufacturer under this Part that is designated as a trade secret, as defined in G.S. 66-152(3) and that is designated as confidential or as a trade secret under G.S. 132-1.2.

"§ 130A-309.96. Computer Equipment Management Account.

The Computer Equipment Management Account is created as a nonreverting account within the Department. Funds in the Account shall be used by the Department to implement the provisions of this Part.

"§ 130A-309.97. Enforcement.

This Part may be enforced as provided by Part 2 of Article 1 of this Chapter.

"§ 130A-309.98. Annual report.

No later than 1 April of each year, the Department shall submit a report on the recycling of discarded computer equipment in the State under this Part to the Environmental Review Commission. The report must include an evaluation of the recycling rates in the State for discarded computer equipment, a discussion of compliance and enforcement related to the requirements of this Part, and any recommendations for any changes to the system of collection and recycling of discarded computer equipment or other electronic devices."

SECTION 16.1.(b) The Department shall include in the annual report for 1 April 2011, as required by G.S. 130A-309.98, as enacted by Section 16.1(a) of this act, an analysis of the feasibility and advisability of deleting the exclusion of printing devices from the definition of computer equipment as set out in G.S. 130A-309.91, as enacted by Section 16.1(a) of this act.

SECTION 16.2. G.S. 130A-309.09A(b)(6) reads as rewritten:

- "(6) Include an assessment of current programs and a description of intended actions with respect to:
- a. Education with the community and through the schools.
 - b. Management of special wastes.
 - c. Prevention of illegal disposal and management of litter.
 - d. Purchase of recycled materials and products manufactured with recycled materials.
 - e. For each county and each municipality with a population in excess of 25,000, collection of discarded computer equipment, as defined in G.S. 130A-309.91."

SECTION 16.3. G.S. 130A-309.10(f) is amended by adding a new subdivision to read:

"(14) Discarded computer equipment, as defined in G.S. 130A-309.91."

SECTION 16.4. G.S. 130A-309.10(f1) is amended by adding a new subdivision to read:

"(7) Discarded computer equipment, as defined in G.S. 130A-309.91."

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SECTION 16.5. Part 4 of Article 3D of Chapter 147 of the General Statutes is amended by adding a new section to read:

"§ 147-33.104. Purchase by State agencies and governmental entities of certain computer equipment prohibited.

(a) The exemptions set out in G.S. 147-33.80 do not apply to this section.

(b) No State agency, political subdivision of the State, or other public body shall purchase computer equipment, as defined in G.S. 130A-309.91, from any manufacturer determined not to be in compliance with the requirements of G.S. 130A-309.93 as determined from the list provided by the Department of Environment and Natural Resources pursuant to G.S. 130A-309.95(1).

(c) The Office of Information Technology Services shall make the list available to political subdivisions of the State and other public bodies. A manufacturer that is not in compliance with the requirements of G.S. 130A-309.93 shall not sell or offer for sale computer equipment to the State, a political subdivision of the State, or other public body."

SECTION 16.6.(a) Part 2E of Article 9 of Chapter 130A of the General Statutes, as enacted by Section 16.1(a) of this act, becomes effective as follows:

- (1) G.S.130A-309.90 becomes effective 1 January 2009.
- (2) G.S.130A-309.91 becomes effective 1 January 2009.
- (3) G.S.130A-309.92 becomes effective 1 January 2009.
- (4) G.S.130A-309.93(a) becomes effective 1 January 2009.
- (5) G.S.130A-309.93(b) becomes effective 1 January 2009.
- (6) G.S.130A-309.93(c) becomes effective 1 October 2009.
- (7) G.S.130A-309.93(d) becomes effective 1 October 2009.
- (8) G.S.130A-309.93(e) becomes effective 1 January 2009.
- (9) G.S.130A-309.93(f) becomes effective 1 January 2009.
- (10) G.S.130A-309.93(g) becomes effective 1 February 2011.
- (11) G.S.130A-309.94 becomes effective 1 January 2010.
- (12) G.S.130A-309.95(1) becomes effective 1 January 2009.
- (13) G.S.130A-309.95(2) becomes effective 1 January 2009.
- (14) G.S.130A-309.95(3) becomes effective 1 January 2009.
- (15) G.S.130A-309.96 becomes effective 1 January 2009.
- (16) G.S.130A-309.97 becomes effective 1 January 2009.
- (17) G.S.130A-309.98 becomes effective 1 April 2011.

SECTION 16.6.(b) Section 16.2 of this act becomes effective 1 January 2009. Sections 16.3 and 16.4 of this act become effective 1 January 2012. Section 16.5 of this act becomes effective 1 July 2009. Subsection (b) of Section 16.1 of this act, Section 16.6 of this act, and any other provision of this act for which an effective date is not specified become effective 1 January 2009.

SECTION 17. The Division of Waste Management and the Division of Pollution Prevention and Environmental Assistance of the Department of Environment and Natural Resources shall jointly develop a proposal for a recycling program for fluorescent lamps. The program will be developed so as to ensure that substantially all of the mercury contained in

fluorescent lamps will be recovered so as to facilitate a phaseout of incandescent lamps without damage to public health and the environment from the increased use of mercury lamps as replacements for fluorescent lamps. The Department of Environment and Natural Resources shall report its findings and recommendations, including legislative proposals and cost estimates, to the Environmental Review Commission on or before 1 March 2008.

SECTION 18. The Environmental Review Commission shall study issues related to the franchise of solid waste management facilities by units of local government. The Environmental Review Commission, with the assistance of the Department of Justice, shall study issues related to the transportation of solid waste by rail or barge, including the extent to which regulation of the transportation of solid waste by rail or barge by state governments may be preempted by federal law. The Environmental Review Commission shall report its findings and recommendations, including any legislative proposals, to the 2008 Regular Session of the General Assembly.

SECTION 19. If any section or provision of this act is declared unconstitutional or invalid by the courts, the unconstitutional or invalid section or provision does not affect the validity of this act as a whole or any part of this act other than the part declared to be unconstitutional or invalid.

SECTION 20. Except as otherwise provided in this act, this act is effective when it becomes law.

The Conference Report, which changes the title, is placed on the Calendar for Wednesday, August 1, for adoption upon second reading.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:49 P.M. with bills remaining on the Calendar as unfinished business.

ONE HUNDRED TENTH DAY

Senate Chamber
Wednesday, August 1, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, one of the most meaningful compensations of this life is that no person can sincerely try to help another without helping herself or himself. The members of the Senate thank you for the privilege of serving during this

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Session, the blessing of sharing, the joy of helping. Thank you for making us capable of caring, fortunate enough to have a surplus, eager enough to want to pass it on. Continue your call upon us to do good daily, to make giving as much a part of our lives as you do and able to hear the voice of hope that binds us all as one. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, July 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.

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Apodaca, the remarks of Senator Weinstein who rises to a point of personal privilege, are spread upon the Journal, as follows:

Senator Weinstein:

"Ladies and Gentlemen of the Senate, as you know, I read a lot of history and wanted to share with you a very poignant story about World War II. I know, Senator Basnight, you read a lot of history and Senator Blake, but how many of you have ever heard of the USS Dorchester? It's a very, very poignant story and I'd like to share it with you. 'On February 3, 1943, the USS Dorchester would become another statistic in the ships lost at sea column but, unlike others before it, what would take place on the deck of the Dorchester would become a significant event for all time. Pushing through the treacherous waters with 905 American servicemen aboard bound for Greenland, the Dorchester left its convoy for a few hours short of its destination. A Nazi submarine stalking the ship undetected took this opportunity to fire a torpedo that hit the boiler room. Many on board died instantly in the explosion. Some were trapped below deck, others jolted from their bunks and went to the decks of the stricken vessel. The ship took on water rapidly listing to starboard. Overcrowded lifeboats capsized, rafts drifted away before anyone could reach them.' Here is the story that I want to give you. 'On deck amid confusion and terror Army Chaplains George Fox, Alexander Goode, Clark Poling, and John Washington, moved about calming frightened men, directing the wounded soldiers to lifeboats and distributing life jackets with calm precision. Soon the supply of jackets was exhausted, yet four young soldiers afraid and without life vests stood waiting. Quickly, the chaplains stripped off their own life jackets and forced them among the four soldiers. The four men of God, one Catholic, one Jewish, and two Protestants, had given away their only means of saving themselves in order to save others. Men rowing away from the sinking ship in lifeboats saw the chaplains clinging to each other on the slanting deck. Their arms were linked together, their heads were bowed as they prayed to the one God whom each of them loved and served. The Dorchester sank beneath the icy waters of the North Atlantic carrying with it the four chaplains and some 675 servicemen.' The message that

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this event brought was this. If they can die together, why can't we live together?' In 1948, the U. S. Post Office issued a stamp in honor and in memory of the four mortal chaplains. In the Senate, we have a chaplain that takes off his life jacket every day giving us words of wisdom, hope and courage to do the right things for the people of North Carolina, and it is my privilege today on behalf of all the Senators here to present to the Reverend Mike Morris a sheet of the four chaplains stamps to honor his service to us. Mike, if you will come up here I will give you these stamps."

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 371, AN ACT TO PROHIBIT COMMERCIAL USE OF LIKENESSES OF ANY SEAL OR COAT OF ARMS OF THE SENATE.

S.B. 1241, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

H.B. 291, AN ACT PROVIDING FOR HOW THE STATE TREASURER SHALL ADDRESS CERTAIN STATE INVESTMENTS RELATING TO SUDAN.

H.B. 535, AN ACT TO AUTHORIZE CRIMINAL BACKGROUND REVIEWS FOR CURRENT AND FUTURE EMS PERSONNEL.

H.B. 627, AN ACT TO MAKE CHANGES TO AND STRENGTHEN THE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES SYSTEM WITH RESPECT TO: THE FIRST COMMITMENT PILOT PROGRAM; LME FUNCTIONS, ADMINISTRATION, AND BOARD MEMBERSHIP; THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES RULE-MAKING AUTHORITY AND PROFESSIONAL STAFFING; THE QUALITY AND ACCESS OF MENTAL HEALTH SERVICES; AND REQUIREMENTS PERTAINING TO LME BUSINESS PLANS.

H.B. 767, AN ACT TO ALLOW ALL LAW ENFORCEMENT OFFICERS AND ALL FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES PERSONNEL THROUGHOUT THE STATE TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES; TO ALLOW CERTAIN

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MUNICIPAL AND COUNTY EMPLOYEES CURRENTLY AUTHORIZED TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES TO CONTINUE; TO REPEAL LOCAL ACTS ON THE SUBJECT; AND TO MANDATE THAT ATV SAFETY COURSES BE APPROVED BY THE COMMISSIONER OF INSURANCE.

H.B. 802, AN ACT TO PROVIDE THE DEPARTMENT OF TRANSPORTATION CONTRACTING AUTHORITY TO PROVIDE FOR TRANSPORTATION INFRASTRUCTURE, LITTER REMOVAL FROM STATE RIGHTS-OF WAY, AND TRAVEL INFORMATION AT STATE OWNED REST AREAS.

H.B. 851, AN ACT TO CLARIFY THE EDUCATIONAL REQUIREMENT FOR THE TEACHER ASSISTANT SCHOLARSHIP FUND.

H.B. 859, AN ACT TO ESTABLISH TRANSITIONAL NUTRIENT OFFSET PAYMENTS AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP AND IMPLEMENT A PLAN TO TRANSITION THE NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM NUTRIENT OFFSET PROGRAM FROM A FEE-BASED PROGRAM TO A PROGRAM BASED ON THE ACTUAL COSTS OF PROVIDING NUTRIENT CREDITS.

H.B. 943, AN ACT TO REQUIRE THE STATE REGISTRAR TO ASSIST COUNTY JURY COMMISSIONS IN UPDATING THEIR LISTS OF PROSPECTIVE JURORS BY PROVIDING A LIST OF RESIDENTS OF EACH COUNTY WHO HAVE DIED RECENTLY; TO REQUIRE THE STATE REGISTRAR TO PROVIDE THE COMMISSIONER OF MOTOR VEHICLES WITH A LIST OF RESIDENTS OF THE STATE WHO HAVE DIED RECENTLY; AND TO EXCLUDE FROM THE LISTS PROVIDED BY THE COMMISSIONER OF MOTOR VEHICLES TO COUNTY JURY COMMISSIONS THE NAMES OF PERSONS WHOSE DRIVERS LICENSES HAVE BEEN EXPIRED FOR AT LEAST EIGHT YEARS AND WHO HAVE BEEN INACTIVE VOTERS FOR AT LEAST EIGHT YEARS.

H.B. 947, AN ACT TO REQUIRE THAT A NOTICE OF SALE IN FORECLOSURE PROCEEDINGS BE SENT TO CERTAIN TENANTS RESIDING IN THE PROPERTY TO BE SOLD, TO ALLOW THOSE TENANTS AFTER RECEIVING THE NOTICE TO TERMINATE THE RENTAL AGREEMENT UPON TEN DAYS' WRITTEN NOTICE TO THE LANDLORD, TO REQUIRE THAT THOSE TENANTS BE GIVEN THIRTY DAYS' NOTICE OF AN APPLICATION FOR AN ORDER FOR POSSESSION, AND TO CLARIFY THAT THE PROCEEDS IN THE AUTOMATION ENHANCEMENT AND PRESERVATION FUND MAY BE USED FOR THE PRESERVATION AND STORAGE OF PUBLIC RECORDS.

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H.B. 966, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM AUTHORIZING THE IMPLEMENTATION OF ALTERNATIVE TEACHER SALARY PLANS.

H.B. 1060, AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS WITHIN OR OUTSIDE OF THE STATE, NONPROFIT ORGANIZATIONS, OR OFFICIALLY ADOPTED SISTER CITIES.

H.B. 1148, AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO RELEASE THE IDENTIFICATION OF CERTAIN JUVENILES WHO ESCAPE FROM CUSTODY.

H.B. 1231, AN ACT TO WAIVE THE REQUIREMENT TO OBTAIN A CONCEALED HANDGUN PERMIT TO CARRY A CONCEALED HANDGUN FOR CERTAIN PERSONS AUTHORIZED BY FEDERAL LAW TO CARRY CONCEALED HANDGUNS AND FOR CERTAIN FEDERAL AND STATE RETIRED LAW ENFORCEMENT OFFICERS, AND TO EXEMPT ARMED ARMORED CAR SERVICE GUARDS AND ARMED SECURITY GUARDS WHILE PERFORMING DUTIES FROM PROHIBITIONS ON CARRYING WEAPONS ON CERTAIN EDUCATIONAL PROPERTY.

H.B. 1294, AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES.

H.B. 1322, AN ACT PROVIDING LOCAL FIRE CHIEFS, COUNTY FIRE MARSHALS, AND LOCAL EMERGENCY SERVICES DIRECTORS WITH THE AUTHORITY TO REQUEST CRIMINAL HISTORIES FROM THE DEPARTMENT OF JUSTICE FOR APPLICANTS TO FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES IN UNITS OF LOCAL GOVERNMENT.

H.B. 1328, AN ACT REQUIRING A PERSON CONVICTED OF A SEX OFFENSE WHO IS PURSUING CHILD CUSTODY EX PARTE TO DISCLOSE THE CONVICTION IN THE PLEADINGS.

H.B. 1374, AN ACT TO OVERTURN THE SHEPARD CASE AND AMEND THE LIMITATION REGARDING ACTIONS TO RECOVER FOR USURY; TO OVERTURN THE SKINNER CASE AND AMEND THE LONG-ARM STATUTE TO ALLOW NORTH CAROLINA COURTS TO EXERCISE PERSONAL JURISDICTION OVER CERTAIN NONRESIDENT DEFENDANTS; TO REQUIRE THAT A NOTICE OF FORECLOSURE CONTAIN CERTAIN INFORMATION; AND TO PROVIDE FOR MORTGAGE DEBT COLLECTION AND SERVICING.

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H.B. 1384, AN ACT TO REPEAL THE STATUTORY RULE AGAINST PERPETUITIES AS IT APPLIES TO TRUSTS CREATED OR ADMINISTERED IN THIS STATE AND CODIFY THE LAW REGARDING THE POWER OF ALIENATION FOR TRUSTS CREATED IN NORTH CAROLINA.

H.B. 1659, AN ACT AUTHORIZING CRIMINAL HISTORY RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF PUBLIC INSTRUCTION.

H.B. 1685, AN ACT TO AMEND THE CERTIFICATE OF NEED REQUIREMENTS TO ALLOW FOR AN EXPEDITED REVIEW PROCESS FOR AN ADULT CARE HOME OR A NURSING HOME TO RELOCATE WITHIN THE SAME COUNTY.

The Enrolling Clerk reports the following bill and a joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 181, AN ACT TO AUTHORIZE THE TOWN OF CLAYTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE AND TO ALLOW THE TOWN OF CLAYTON TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE TOWN'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE TOWN'S SATELLITE CORPORATE LIMITS.

S.J.R. 1571, A JOINT RESOLUTION HONORING THE MEMORY OF ROBERT RUARK, NOTED NORTH CAROLINA HALL OF FAME AUTHOR AND JOURNALIST. (Res. 66)

CALENDAR

Bills on today's Calendar as unfinished business from July 31 are taken up and disposed of, as follows:

S.B. 914, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 944, A BILL TO BE ENTITLED AN ACT TO MAKE LEAVING THE SCENE OF AN ACCIDENT WHERE A PERSON SUFFERS SERIOUS BODILY INJURY A CLASS F FELONY.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

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S.B. 1079 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 22, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE TORT CLAIM LIMIT, as amended by the Appropriations/Base Budget Committee.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

The Chair grants a leave of absence for the remainder of today's session to Senator Dalton.

H.B. 109 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE NORTH CAROLINA CORPORATIONS A LIMITED OPPORTUNITY TO OPT OUT OF THE NORTH CAROLINA SHAREHOLDER PROTECTION ACT AND THE NORTH CAROLINA CONTROL SHARE ACQUISITION ACT AND TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE PROVISIONS IN THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2007.

Senator Clodfelter offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

H.B. 508 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MITCHELL COUNTY AND THE TOWNS OF BILTMORE FOREST, BLACK CREEK, BLACK MOUNTAIN, BLOWING ROCK, OCEAN ISLE BEACH, SUNSET BEACH, AND TABOR CITY TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

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.

H.B. 777 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

Upon motion of Senator Hagan, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

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H.B. 779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT PAYABLE ON BEHALF OF RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

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. 1401 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA INTERNAL AUDIT ACT.

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.

H.B. 1551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE STATE GOVERNMENTAL ACCOUNTABILITY AND INTERNAL CONTROL ACT; TO ESTABLISH INTERNAL CONTROL STANDARDS FOR STATE GOVERNMENT; AND TO INCREASE FISCAL ACCOUNTABILITY WITHIN STATE GOVERNMENT.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 1761 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND.

The Senate Committee Substitute bill passes its second (42-7) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1786 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE AND REGULATE MIXED MARTIAL ARTS, AND TO AUTHORIZE THE ALCOHOL LAW ENFORCEMENT DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO ESTABLISH AND RAISE CERTAIN FEES.

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.

S.R. 1570, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF MARK FOSTER MADE BY THE GOVERNOR TO THE BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, for adoption.

The Senate Resolution is adopted (47-0).

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CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1013, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY AN ADDITIONAL ONE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 44, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---44.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.

The bill is ordered enrolled.

Upon the appearance of Senator Dalton in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.J.R. 1572, A JOINT RESOLUTION ACKNOWLEDGING THE FINDINGS OF THE 1898 WILMINGTON RACE RIOT COMMISSION, is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Upon motion of Senator Dorsett, the joint resolution is read in its entirety and, upon motion of Senator Goodall, the remarks of the members are spread upon the Journal, as follows:

Senator Dorsett:

“I’ve often heard if you don’t know your history you’re bound to repeat it and I hope that we never repeat the Wilmington Race Riots but let me give you a little bit of the history. In 2000, the General Assembly under the leadership of Representative Wright and our colleague, the late Luther Jordan, helped to establish the 1898 Wilmington Race Riot Commission and another one of our colleagues, Senator Julia Boseman, later co-chaired the Commission and I certainly want to at this time thank her for her support and her willingness to work on that Commission. The General Assembly established this Commission so that we could know the truth about what happened 109 years ago and why it happened. The conclusion is in the title of the bill. The 1898 Wilmington Race Riot was a conspiracy that used intimidation and force to replace a duly elected local government. Political leaders were directly responsible for participants’ engineering and executing a statewide campaign so that they could win elections and it was vicious, it was defamatory toward African-Americans and it

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encouraged the violence. The General Assembly was a part of that conspiracy and even though none of us were alive then, we must now acknowledge the truth, just as the resolution apologizing for slavery acknowledged the General Assembly's role in that awful chapter. We have to sometimes take a hard look at the past so that we can move forward and have a brighter future. While this might not seem relevant to some of you in 2007, in this session we've all worked very hard to call on every one of us to work toward racial reconciliation in our everyday lives. With this resolution we acknowledge and renounce the actions of the past and this resolution is really about a better future for all Americans and I urge you to support this resolution. Thank you."

Senator Boseman:

"I stand today to offer my support of Senator Dorsett's resolution honoring the work and findings of the 1898 Race Commission. The Commission was charged with the difficult task of uncovering the 100-year old truth of the horrific series of events that took place across our great State but eventually erupted in violence and mayhem in Wilmington, North Carolina. The Race Riot Commission has made a series of findings that demand acknowledgement from the State of those events and offers some suggestions as to how to begin the healing. I commend this resolution to you and hope that this effort is a giant step down the path of racial harmony in North Carolina."

Senator Albertson:

"Senator Dorsett, thank you for bringing this resolution to us. I think it's important that we do stop and look back at our history and by doing that it gives us a good barometer or good vision maybe of how we should try to approach the future. I was thinking this morning as the resolution was being read that just the other day we had the Tuskegee Airmen here and I try to envision it and think back of how things were at that time and how we have changed and have taken some steps forward for the betterment of all of us. As I observe and look around in my life, I sincerely believe that one of the great challenges that we have today in our communities and in our world is to try to break down some of these walls that separate us from people who are different from us. I couldn't help but think about what Senator Weinstein said this morning in his remarks which I thought were so very appropriate for all of us when he spoke about those chaplains who went down on that ship because of their love and concern for their fellow man. He said, if I can remember his quote, 'Surely if they could die together that we could learn to live together.' It is one of the great challenges that we have even in this Body sometimes and across our State and Nation. I hope I can learn to be a better steward in that respect myself and I commend this resolution to you."

Senator Brock:

"I'd like to thank the leadership for bringing this Commission together. This, no doubt, was probably the ugliest chapter in North Carolina's history when a riot happened to throw out the duly elected government and there was no excuse for it. Worse than that, that there were no reports of it because the media during

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that time was controlled by the Red Shirts. This was a group of white supremacists that devised this plan, this scheme to do this and it's really tough to air your dirty laundry to air these Red Shirts as they were called. Those really were the lieutenants out there but the Red Strings were the higher-ups or the leadership of this movement. It's really tough to do this but I appreciate the leadership putting this together to offer an apology to those, all those that were affected, whether they were black, republican, or fusionists. Thank you and I urge you to vote for the resolution."

Senator Foriest:

"I'm very thankful as well for this resolution. I really believe it allows us to talk about some of the things that have been hidden and only whispered about. I consider myself somewhat of an educated person and I also study history a lot and my problem is that I only found out about the Wilmington Race Riots ten or fifteen years ago. Before that I had never even heard about them. I didn't hear about them at all in my classroom history courses or very little about some of the things that went on in some of my college courses. The riots paved the way for the Jim Crow Laws and provided justification for a segregated society. Even today, we are paying a price for some of the things that were done back then. The information that we are learning now and hearing about the race riots is information that is important because it's factual, it's true and it represents history as it is, not as we would like for it to be. I guess the question that comes to my mind is what are we going to do with this information now that we have it? Do we read it and ignore it or do we use the information to improve relationships in the lives of all of us? I really think our history should reflect not only the virtues and assets of our lives but our history should also tell us about our blemishes. We love our State and we love our communities and if we act as if they are both without fault we are not helping ourselves at all. We need to re-look at our history books and we need to re-look at how we view the past because that's the only way that we're going to keep from repeating some of the mistakes that we've made. We're taking huge steps forward, I believe, by acknowledging our shortcomings and moving forward and I certainly commend this resolution."

Senator Berger of Franklin:

"There's an old adage that those that don't know their history are doomed to repeat the same mistakes. I'm very appreciative that we are recognizing this past history that occurred in Wilmington that is a sad chapter in North Carolina history. But I'm here to tell you that white supremacist ideas are not dead. They're alive and well and in fact in my community right now as we speak, in the past few weeks a white supremacist organization out of Virginia has leafleted my entire community with flyers strung up, 'Racial Hatred.' By learning this past history, it gives me and I hope each of you inspiration to fight the right fight now that wasn't fought at that time and I may be calling upon each of you at some point to assist me in the efforts to encourage racial healing in my community but we are right now being plagued by organized white supremacist activity in Vance County."

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Senator McKissick:

“I just want to say that so much has been said already and that this is truly an appropriate symbolic gesture that is significant in many ways because it validates a wrong that occurred. There was always hearsay and innuendo, folklore, so to speak, in the African-American community about what had occurred in Wilmington at this time and in this era. To see a Commission established that goes back, does its appropriate fact-finding, validates those things that were in some circles known to have occurred, it is important, it is significant, and it sets forth an appropriate tone for us to move forward. I think now as we’ve all talked about these sorts, this incident in particular will be reflected in the North Carolina history books. That’s important and that is significant. The thing that is such a tragedy in many respects is that what occurred in Wilmington was not particularly unique in terms of what was occurring in the United States of America in that time and in that era. Yes, we’ve come a long way. Yes, we have very, very far to go. I hear Senator Berger speak about Granville County today. I can remember a time back in the mid 70’s in Granville County where there was still a sign on the interstate highway posted there by the Ku Klux Klan welcoming them to Granville County. It was through the moral courage of Mayor Hugh Currin in that era that the sign came down. It set a new tone of growth and development in Granville County. In some respects when he went to those that posted it, he had to say the reason it needs to come down is because it was bad for business. It was not only bad for business, it’s morally repugnant and it’s reprehensible that we should have these artificial divisions between us based upon race and based upon immutable characteristics. Yes, today some of those vestiges still stay with us from an era that is far gone. This Body today has done something truly significant. We should not underrate its significance and I want to thank Senator Dorsett and Senator Boseman for their leadership in this and all those others that worked on this effort. We can be proud of what we have done and what we have said. By validating and recognizing the wrongs and injustices of the past, we stand on fertile ground for moving forward in the State with the feeling of racial harmony knowing that we are evermore committed in the future to respect the rights, the dignities, the privileges of all people regardless of race, color, religion, national origin. I tell you, while we speak those words they cannot be taken ever so lightly. They are significant and that is what the Constitution is based upon. Thank you.”

Senator Dannelly:

“Ladies and Gentlemen, just a short reminder of what happened in 1898 in Wilmington. A major part of that conspiracy throughout was plagued by the major news media of the time and when the Commission put out its report, the major newspapers acknowledged and apologized for their participation in that conspiracy and they reported the findings of the Commission in full so that everybody across the State could be a part of that awful history back then. So I caution us today, along with our major newspapers and media outlets, as they report even today they have to be careful in walking that fine line that could still

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sometimes create in some people's mind that feeling of racial hatred. We cannot tolerate that today and I just want to caution them as they walk that fine line of reporting the news. Thank you. I urge this resolution."

Senator Basnight:

"Members of the Senate, Senator Foriest moved me to stand when he said he knew nothing of this history until ten or fifteen years ago and then Senator Berger mentioned that white supremacy was alive in Vance County. The history of the past, I guess it does surprise me as much as it would you that this is occurring today and that we didn't realize what was happening in North Carolina, in this Country, and in the world to a larger extent during our earlier history. The development of our economy with tobacco and other agricultural products was on the backs of the African-Americans and that success was held in the South. We realize today, and for all the young people here, that during this process there were many times on many plantations and I would assume in many homes the rights of a human being were stolen and taken. The rape of the children and the separation of the family was all occurring in North Carolina. Any right that a person had was removed and taken forevermore because of his color in the views of people who enslaved others. So what happened in Wilmington at that time during the race riots was absolutely awful, terrible, and to be able to speak of that today and understand that it did occur is ever so important for our understanding of what we are as a people. It is also important to understand that it was equally as bad in the plantation life of so many plantations in the South. We would use the labor of these people against their will and against their wishes. You would hate yourself if it were to occur today to your child or your wife or your husband and all their rights were stolen and taken and the family was separated and sold in bondage if you disagree with the wants of that person who owns you and then you could be tracked down to points North and taken and shackled and brought back again to be penalized, punished, beaten, or life taken all for the pleasure of the economy and success. Then ultimately there was a war among people, among brothers in many instances. But that history is not spoken ever so loudly because we don't fully understand it. If you go to Somerset Place in Washington County near Crestville, you'll see the plantation house but you will not see any of the slave-holding houses that were there except one slave quarters which we have recreated through our imaginative creation. But there were literally hundreds of these quarters and we tore them all down and we did that across the South. You don't see many slave quarters that can show the history of how they lived or the places where they were flogged. It was a cruel part of history, obviously, and it's one that everyone here regrets ever so much but to hear someone stand today in North Carolina and say there is some semblance occurring in Vance County, not of slavery, but of separation of people because of color is quite a surprise but the surprise that you brought to us today does not equate that surprise. It is a great resolution to have and one that is important to talk about. Thank you."

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Senator Malone:

“Thomas Jefferson, I understand, is credited with having made the statement that nations cannot be both ignorant and free. I hope he said that and I hope he meant it. I would say to you in response to Senator Foriest’s statement about where do we go from here, let’s commit ourselves as a Body to see that we have an educated society. Let’s commit ourselves to be absolutely sure that every boy and girl in this State gets to be the very best he or she can be. We’ve got tons of young men and women in the State of North Carolina who are ignorant. They’re ignorant and we have already voted on probably one of the better education budgets that we’ve had since I’ve been here but that just has to be a beginning. Thomas Jefferson didn’t have me in mind when he said that if indeed he did, but the words resonate with me because I know that if we don’t educate our young men and women and particularly our black males, particularly our black males, if we don’t educate them, they will be doomed to repeat what we don’t want to see happen anymore. It’s one thing to talk about it and to reflect on what happened, but it’s something else to look to where we go from here. I encourage you to vote for the resolution but also to vote for some of this good stuff that comes through here that will help young men and women in this State. Thank you.”

Senator Dorsett offers Amendment No. 1 which is adopted (45-0).

The joint resolution, as amended, passes its second reading (49-0) and third reading with members standing and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 15 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF HAMPSTEAD, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein--49.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

H.B. 1828 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE MATCHING FUNDS PROVISION OF THE JUDICIAL PUBLIC CAMPAIGN ACT; AND TO APPROPRIATE FUNDS FOR IMPLEMENTATION, referred to the **Appropriations/Base Budget Committee** on July 31.

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Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Select Committee on Government and Election Reform**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Select Committee on Government and Election Reform**.

CALENDAR *(continued)*

S.B. 16 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Dalton, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Smith, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---49.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 556, AN ACT AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING OR STRUCTURE CODE.

S.B. 744, AN ACT TO REMOVE THE TEN PERCENT CEILING ON THE EXPENSE RESERVE FUND OF THE NORTH CAROLINA REAL ESTATE COMMISSION UNDER THE REAL ESTATE LICENSING LAWS AND TO ALLOW THE REAL ESTATE COMMISSION TO SERVE NOTICE OF HEARING BY FIRST-CLASS MAIL ON APPLICANTS REQUESTING HEARINGS REGARDING THE APPLICANTS' CHARACTER OR FITNESS FOR LICENSURE.

S.B. 768, AN ACT TO AMEND THE NORTH CAROLINA RECREATIONAL THERAPY LICENSURE ACT TO EXEMPT CERTAIN PERSONS EMPLOYED UNDER THE DIRECTION OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNTIL JULY 1, 2010.

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S.B. 1032, AN ACT TO IMPOSE TIME LIMITATIONS ON OVERPAYMENT RECOVERY UNDER THE PROMPT CLAIM PAYMENTS STATUTE AND TO REQUIRE THAT INSURERS OFFERING HEALTH BENEFITS PLANS PROVIDE INSURANCE IDENTIFICATION CARDS.

S.B. 1117, AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN CIVIL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE INTO THE JURY ROOM EXHIBITS INTRODUCED INTO EVIDENCE AND PASSED TO THE JURY IN THE COURSE OF THE TRIAL, PHOTOGRAPHS ADMITTED INTO EVIDENCE, SHOWN TO THE JURY AND USED BY ANY WITNESSES IN THEIR TESTIMONY, AND ANY ILLUSTRATIVE EXHIBIT ADMITTED INTO EVIDENCE AND USED BY ANY WITNESSES IN THEIR TESTIMONY EXCEPT SUMMARIES OF TESTIMONY, LISTS MADE IN THE COURTROOM AND SUCH SIMILAR DOCUMENTS AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY, AND TO PROVIDE THAT DEPOSITIONS MAY ONLY BE TAKEN INTO THE JURY ROOM WITH CONSENT OF THE PARTIES.

S.B. 1364, AN ACT TO REQUIRE SECONDARY PURCHASERS OF MOTOR VEHICLES FOR SCRAP METAL OR SALVAGE PARTS TO MAINTAIN RECORDS AND TO AMEND THE JUNKED MOTOR VEHICLE LAW APPLICABLE TO THE CITY OF MONROE.

S.B. 1495, AN ACT TO REQUIRE THAT A VEHICLE USED TO TOW OR TRANSPORT ANOTHER VEHICLE BE MARKED SO THAT THE OWNER MAY BE IDENTIFIED AND TO ADD AN EXEMPTION FROM THE SEAT BELT LAW FOR DRIVERS OR PASSENGERS OF A RESIDENTIAL GARBAGE OR RECYCLING TRUCK WHILE THE TRUCK IS OPERATING DURING COLLECTION ROUNDS AND WHILE TRAVELING TO AND FROM GARBAGE AND RECYCLING MATERIAL LOADING AND UNLOADING LOCATIONS.

H.B. 63, AN ACT TO EXCLUDE FROM PROPERTY TAX REAL AND PERSONAL PROPERTY THAT IS SUBJECT TO A CAPITAL LEASE WITH A LOCAL SCHOOL ADMINISTRATIVE UNIT.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 398, AN ACT TO ALLOW THE CITIZENS OF UNION COUNTY TO DETERMINE IF DISTRICT REPRESENTATION SHOULD BE IMPLEMENTED FOR THE UNION COUNTY BOARD OF COMMISSIONERS.

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The Senate recesses at 12:00 Noon for the purpose of an Appropriations/Base Budget Committee meeting, Finance Committee meeting, and Select Committee on Government and Election Reform meeting to reconvene at 3:00 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 Smith.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee**:

S.B. 1431 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF DEEP RIVER STATE TRAIL TO THE STATE PARKS SYSTEM, 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, 55568, which changes the title to read **S.B. 1431** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF DEEP RIVER STATE TRAIL TO THE STATE PARKS SYSTEM AND TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Supplemental Calendar.

H.B. 1304 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE USE OF REMAINING END-OF-YEAR TUITION ASSISTANCE PROGRAM FUNDS FOR REPAYMENT OF OUTSTANDING ELIGIBLE STUDENT LOANS FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80499, which changes the title upon concurrence to read **H.B. 1304** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE USE OF REMAINING END-OF-YEAR TUITION ASSISTANCE PROGRAM FUNDS FOR REPAYMENT OF OUTSTANDING ELIGIBLE STUDENT LOANS FOR DEPLOYED MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

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H.B. 1269 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL A BUDGET SPECIAL PROVISION GIVING A FULL TUITION GRANT TO GRADUATES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS, EFFECTIVE WITH PERSONS ENTERING THAT SCHOOL AFTER THE 2007-2008 ACADEMIC YEAR AND TO APPROPRIATE FUNDS FOR A STUDY OF AN ALTERNATE TUITION BENEFIT, with an unfavorable report as to Committee Substitute bill.

Pursuant to Rule 46, H.B. 1269 lies upon the table.

By Senator Hoyle for the **Finance Committee**:

H.B. 206 (Committee Substitute), 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, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 679 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Supplemental Calendar.

H.B. 1036 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALLOCATION AMONG LOCAL GOVERNMENTS OF THE TENNESSEE VALLEY AUTHORITY PAYMENT IN LIEU OF TAXES, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1688 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CREATE A LIMITED REGISTRATION PLATE, TO EXEMPT MOTOR VEHICLES REGISTERED UNDER THE INTERNATIONAL REGISTRATION PLAN FROM THE COMBINED REGISTRATION AND PROPERTY TAX SYSTEM, TO PROVIDE THAT INTEREST GENERATED BY FUNDS IN THE COMBINED MOTOR VEHICLE AND REGISTRATION ACCOUNT BE CREDITED TO THE ACCOUNT, TO AUTHORIZE THE OFFICE OF STATE BUDGET AND MANAGEMENT TO DIRECT THE TREASURER TO DISTRIBUTE THE FUNDS IN THE ACCOUNT TO IMPLEMENT THE INTEGRATED COMPUTER SYSTEM, TO DISTRIBUTE ANY REMAINING FUNDS IN THE ACCOUNT TO THE LOCAL GOVERNMENTS, AND TO MAKE TECHNICAL AND CLARIFYING

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CHANGES TO THE COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1829, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MANUFACTURED HOUSING BOARD TO USE ALTERNATIVE METHODS FOR CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE UNDER THE LAWS REGULATING MANUFACTURED HOMES, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the bill is placed on today's Supplemental Calendar.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 671 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD.

Pursuant to the message from the House of Representatives received on July 31 that the House fails to concur in the Senate Committee Substitute bill for H.B. 671 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Graham, Chair, and Senator Stevens as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR *(continued)*

S.B. 384 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GRANVILLE COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE DISTRIBUTION FORMULA, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Berger of Franklin, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 40, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou,

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Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jones, Kerr, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---40.

Voting in the negative: Senators Brock, East, Forrester and Pittenger---4.
The House Committee Substitute bill is ordered enrolled.

S.B. 489 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OCCUPANCY TAX OF THE CITY OF LUMBERTON, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Weinstein, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 40, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---40.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, East, Forrester and Pittenger---6.

The House Committee Substitute bill is ordered enrolled.

S.B. 530 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT EMITTING DIODE TECHNOLOGIES AND PERMITTING THE CITY OF RALEIGH TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Cowell, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---45.

Voting in the negative: Senator East---1.

The House Committee Substitute bill is ordered enrolled.

S.B. 616 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF RIVER BEND TO ANNEX AND EXERCISE EXTRATERRITORIAL JURISDICTION AS PROVIDED UNDER GENERAL LAW, for concurrence in the House Committee Substitute bill, upon third reading.

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Upon motion of Senator Preston, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 546 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF MOUNT PLEASANT, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S.B. 629 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO SULLIVAN ACT III, for concurrence in the House Committee Substitute bill, upon second reading.

Without objection, Senator Clodfelter requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.

Upon motion of Senator Nesbitt, 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, Boseman, Brock, Brown, Brunstetter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

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The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

RECOGNITION OF TEACHERS WITH FIFTY YEARS OF TEACHING SERVICE

With unanimous consent, upon motion of Senator Malone, privileges of the floor are extended to the following teachers who are recognized for fifty years of teaching service: Mr. Eugene Frederick Doane, Brunswick County Schools; Ms. Everlene Davis, Columbus County Schools; Ms. Elizabeth Jacobs, Columbus County Schools; Ms. Peggy Rickert, Iredell-Statesville Schools; Ms. Dorothy Calloway, Surry County Schools; Ms. Janet Groomer, Wake County Schools and Ms. Princeton McDowell, Washington County Schools. Senator Malone, Senator Preston and Senator Swindell are appointed to escort the teachers to the Well of the Senate.

The President recognizes the Committee to escort the guests from the Chamber.

CALENDAR *(continued)*

H.B. 265 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL AND TO FUND THE NORTH CAROLINA HEALTH INSURANCE RISK POOL FROM SAVINGS TO THE GENERAL FUND REALIZED FROM THE REPEAL OF THE TAX CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH BENEFITS AND FROM OTHER SOURCES, upon third reading.

The Senate 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 Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Select Committee on Government and Election Reform:**

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H.B. 1517 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; AND TO APPROPRIATE FUNDS TO FINANCE THE PROGRAM, with a favorable report.

Upon motion of Senator Clodfelter, the Committee Substitute bill No. 2 is referred to the **Appropriations/Base Budget Committee**.

H.B. 1828 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE MATCHING FUNDS PROVISION OF THE JUDICIAL PUBLIC CAMPAIGN ACT; AND TO APPROPRIATE FUNDS FOR IMPLEMENTATION, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Supplemental Calendar.

CALENDAR (*continued*)

H.B. 1499 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE BENEFIT OF THE PROPERTY TAX HOMESTEAD EXCLUSION BY RAISING BOTH THE INCOME ELIGIBILITY LIMIT AND THE AMOUNT EXCLUDED FROM TAXATION; TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER AND HOW TO INDEX THE MINIMUM AMOUNT THAT IS EXCLUDED FROM TAX; TO CREATE A SENIOR CIRCUIT BREAKER PROPERTY TAX BENEFIT; TO MODIFY THE PRESENT-USE VALUE REQUIREMENTS FOR AGRICULTURAL LAND USED AS AN AQUATIC SPECIES FARM; AND TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY VARIOUS MODIFICATIONS AND EXPANSIONS TO THE PRESENT-USE VALUE SYSTEM, as amended on second reading, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message for concurrence.

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H.B. 1652 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE AN E-911 TELECOMMUNICATOR SPECIAL REGISTRATION PLATE, 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 Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

RECONSIDERATION

H.B. 1401 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA INTERNAL AUDIT ACT.

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 today be reconsidered, which motion prevails. The question becomes the passage of H.B. 1401 on its third reading.

Senator Hagan offers Amendment No. 1, which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

CALENDAR *(continued)*

S.B. 1309 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE DISCREPANCY BETWEEN THE PROPERTY TAX VALUE OF PROPERTY AND ITS MARKET VALUE AND TO TREAT MOBILE HOMES THE SAME AS OTHER HOMES WITH RESPECT TO PROPERTY TAX LIENS, as amended by a material amendment on July 31, upon second reading.

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

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Voting in the negative: Senator East---1.

The Committee Substitute bill, as amended, remains on the Calendar for Thursday, August 2, upon third reading.

H.B. 1366 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT.

The Senate Committee Substitute bill passes its second reading (43-6).

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, August 2, upon third reading.

H.B. 1817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS REGARDING COVERED LOANS AND TO INCREASE THE COMMISSIONER'S DISCIPLINARY AUTHORITY OVER LICENSEES UNDER THE MORTGAGE LENDING ACT.

Upon motion of Senator Soles, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

The Chair grants a leave of absence for the remainder of today's session to Senator Cowell.

H.B. 573, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

The bill passes its third reading (41-7) and is ordered enrolled and sent to the Governor by special message.

WITHDRAWAL FROM COMMITTEE

H.B. 1481, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COURT MAY ORDER SECURE CUSTODY OF A JUVENILE WHEN THE JUVENILE IS CHARGED WITH A VIOLATION OF EITHER DRIVING WHILE IMPAIRED OR UNDERAGE DRINKING AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE DISPOSITIONAL ALTERNATIVES FOR JUVENILES WHO ARE ADJUDICATED DELINQUENT FOR A DRIVING WHILE IMPAIRED OR AN UNDERAGE DRINKING VIOLATION, referred to the **Judiciary I Committee** on May 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

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CALENDAR *(continued)*

H.B. 1094, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PUNISHMENTS FOR UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

Senator Stevens offers Amendment No. 1 which is adopted (47-1), and changes the title upon concurrence to read **H.B. 1094**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUNISHMENTS FOR UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

The bill, as amended, passes its third reading (47-1) and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

H.B. 1743 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO

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PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE THE VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR SOFTWARE WARRANTIES; TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP; AND TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT; AND TO MAKE OTHER AMENDMENTS TO THE ELECTION LAWS, as amended on second reading.

The Senate Committee Substitute bill, as amended, passes its third reading (44-4) and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

S.B. 242 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE PROCESS FOR ADMINISTRATIVE AND JUDICIAL REVIEW OF DISPUTED TAX MATTERS, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Clodfelter, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman 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. 1196 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

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Voting in the negative: Senators Goodall and Pittenger---2.

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

S.B. 1332 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES AND AMENDING AND UPDATING CERTAIN OTHER PROVISIONS UNDER THE LAWS REGULATING HEARING AID DEALERS AND FITTERS, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman 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. 1362 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO CLARIFY THE DEFINITION OF DRY-CLEANING SOLVENT, TO AUTHORIZE THE USE OF FUNDS FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR THE INVESTIGATION OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES REASONABLY BELIEVED TO BE CONTAMINATED BY DRY-CLEANING SOLVENT, TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY A PRIVATE CONTRACTOR RETAINED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, TO MODIFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO POTENTIALLY RESPONSIBLE PARTIES, TO AUTHORIZE TEMPORARY RULE MAKING, AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Clodfelter, 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle,

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Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman 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. 1457 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BONDS FOR CONTRACTS ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMISSION CONTRACTORS WHO OPERATE LICENSE PLATE AGENCIES, TO ADD CHARLOTTE TO THE DIVISION OF MOTOR VEHICLES OPERATED REGISTRATION OFFICES, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO HAVE AT LEAST TWO AUTHORIZED ONLINE MOTOR VEHICLE REGISTRATION VENDORS APPROVED FOR CONTRACTING AT ALL TIMES, AND TO AUTHORIZE COMMISSION CONTRACT AGENTS TO CONTRACT WITH ONLINE DEALER REGISTRATION VENDORS, for concurrence in the House Committee Substitute bill, upon third reading.

Without objection, Senator Brown 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 on its third reading, by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brock, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein--44.

Voting in the negative: Senators Berger of Rockingham, Hunt and Tillman--3.

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

S.B. 1527 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS RELATING TO LICENSING OF INSURANCE PRODUCERS AND BAIL BONDSMEN; TO MAKE CHANGES IN THE FEE STRUCTURES FOR AGENTS AND ADJUSTERS; TO AUTHORIZE THE OUTSOURCING OF CERTAIN FUNCTIONS RELATING TO THE ADMINISTRATION OF CONTINUING EDUCATION AND ADMINISTRATIVE PROGRAMS; TO REQUIRE THE DEPARTMENT OF INSURANCE TO STUDY ISSUES RELATED TO LIFE INSURANCE BENEFICIARY NOTIFICATION; TO EXEMPT INSURERS FROM AUTOMATIC RENEWAL DISCLOSURE CLAUSE REQUIREMENTS; TO INSTITUTE A METHOD OF STREAMLINING CERTAIN APPEALS OF DISPUTES BETWEEN LOCAL INSPECTORS AND PERSONS SUBJECT TO THE STATE BUILDING CODE AND TO

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REQUIRE THE DEPARTMENT OF INSURANCE TO ISSUE ITS DECISION ON THESE LIMITED APPEALS WITHIN TEN BUSINESS DAYS; AND TO MAKE OTHER SUBSTANTIVE CHANGES, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

S.B. 3 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS), (2) ALLOW RECOVERY OF CERTAIN NONFUEL UTILITY COSTS THROUGH THE FUEL CHARGE ADJUSTMENT PROCEDURE, (3) PROVIDE FOR ONGOING REVIEW OF CONSTRUCTION COSTS AND FOR RECOVERY OF COSTS IN RATES IN A GENERAL RATE CASE, (4) ADJUST THE PUBLIC UTILITY AND ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEES, (5) PROVIDE FOR THE PHASEOUT OF THE TAX ON THE SALE OF ENERGY TO NORTH CAROLINA FARMERS AND MANUFACTURERS, AND (6) ALLOW A TAX CREDIT TO CONTRIBUTORS TO 501(C)(3) ORGANIZATIONS FOR RENEWABLE ENERGY PROPERTY, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: Senator Kinnaird---1.

The House Committee Substitute bill No. 2 remains on the Calendar for concurrence upon third reading.

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S.B. 540 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS, MOTOR FUELS TAX LAWS, AND RELATED STATUTES, upon second reading.

Upon motion of Senator Hartsell, the Chair orders, without objection, the House Committee Substitute bill temporarily displaced.

S.B. 580 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCAL GOVERNMENT POST-EMPLOYMENT BENEFITS FUND UNDER THE MANAGEMENT OF THE STATE TREASURER, TO ESTABLISH THE LOCAL GOVERNMENT LAW ENFORCEMENT SPECIAL SEPARATION ALLOWANCE BENEFITS FUND UNDER THE MANAGEMENT OF THE STATE TREASURER, TO AUTHORIZE THE TREASURER TO MAKE EQUITY INVESTMENTS FROM THE FUND TO THE SAME EXTENT ALLOWED FOR CERTAIN INVESTMENTS FROM THE STATE RETIREMENT SYSTEM, TO ALLOW LOCAL ENTITIES TO ESTABLISH OTHER IRREVOCABLE TRUSTS TO FUND POST-EMPLOYMENT BENEFITS, AND TO ALLOW LOCAL GOVERNMENTS TO ESTABLISH OTHER IRREVOCABLE TRUSTS TO FUND LAW ENFORCEMENT SPECIAL SEPARATION ALLOWANCE BENEFITS, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill No. 2 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for concurrence, upon third reading.

S.B. 301 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDS OF A CIVIL REVOCATION OF DRIVERS LICENSES SHALL BE EXPUNGED FROM AN INDIVIDUAL'S DRIVING RECORD IF THE UNDERLYING CRIMINAL CHARGE IS EXPUNGED PURSUANT TO ARTICLE 5 OF CHAPTER 15A OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill (45-3) and the bill is ordered enrolled and sent to the Governor by special message.

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S.B. 831 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT STREAMLINING LOCAL GOVERNMENT REGULATION OF WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES AND THE COLLOCATION OF WIRELESS FACILITIES, for concurrence in House Amendment No. 1.

Upon motion of Senator Hoyle, the Senate concurs in House Amendment No. 1 (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 844 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO PROVIDE THAT: (1) AN APPLICATION FOR A CONSTRUCTION PERMIT FOR A PRIVATE DRINKING WATER WELL THAT IS TO BE LOCATED ON A SITE ON WHICH A WASTEWATER SYSTEM IS LOCATED MAY BE ACCOMPANIED BY A SITE PLAN RATHER THAN A PLAT; (2) PROOF OF COMPLETION OF ANY REQUIRED PROFESSIONAL DEVELOPMENT IS REQUIRED FOR RENEWAL OF A WELL CONTRACTOR CERTIFICATE; (3) THE TRANSPLANT OF SEED CLAMS AND SEED OYSTERS OF A CERTAIN SIZE THAT ORIGINATE FROM AN AQUACULTURE OPERATION PERMITTED BY THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES IS LAWFUL; (4) MEMBERS OF THE ADVISORY COMMISSION FOR THE NORTH CAROLINA STATE MUSEUM OF NATURAL SCIENCES SHALL SERVE FOUR-YEAR STAGGERED TERMS; (5) TO EXTEND THE EXEMPTION FOR CERTAIN WELL CONTRACTORS FROM CONTINUING EDUCATION REQUIREMENTS FOR TWO YEARS; (6) DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION; (7) TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; AND (8) TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, 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. 1492, (Conference Report) A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE

AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, for adoption upon second reading.

Upon motion of Senator Albertson, the Chair orders, without objection, the Conference Report temporarily displaced.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 1, 2007

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. 103** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR SPECIAL PLATE AND TO ELIMINATE THE ADDITIONAL FEE FOR THE GOLD STAR SPECIAL PLATE; TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS; TO ELIMINATE THE ADDITIONAL FEE AMOUNT FOR THE BREAST CANCER AWARENESS PLATE; TO INCREASE THE ADDITIONAL FEE FOR THE NC COASTAL FEDERATION PLATE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: PROSTATE CANCER AWARENESS, JUVENILE DIABETES RESEARCH, BREAST CANCER EARLIER DETECTION, BRAIN INJURY AWARENESS, NC TENNIS FOUNDATION, ALS RESEARCH, NATIONAL KIDNEY FOUNDATION, AIDS AWARENESS, HOME CARE AND HOSPICE, AND HOSPICE CARE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ASSIGN A SPECIAL REGISTRATION PLATE FOR THE PRESIDENT OF THE NORTH CAROLINA COMMUNITY COLLEGES SYSTEM; AND TO MAKE TECHNICAL CORRECTIONS IN THE STATUTE CONCERNING ASSIGNMENTS OF SPECIAL REGISTRATION PLATES TO STATE GOVERNMENT OFFICIALS.

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. 103 on July 31, the President orders the bill enrolled and sent to the Governor by special message.

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SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 1395 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UTILITIES COMMISSION TO CONSIDER DIFFERENCES BETWEEN ELECTRIC MEMBERSHIP CORPORATIONS AND CITIES NOT RESOLVED PURSUANT TO G.S. 160A-331.2(B), AS ENACTED BY S.L. 2005-150.

Referred to the **Finance Committee**.

H.B. 1980, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF NONQUALIFIED PATRONAGE DIVIDENDS PAID BY A COOPERATIVE.

Referred to the **Finance Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Tracie Barnes, Raleigh; Brittany Brittain, Pisgah Forest; Jasmine Clark, Raleigh; Matthew Clark, Raleigh; Elle Fulenwider, Morganton; Virginia Fulenwider, Morganton; Kia Harper, Fayetteville; Leslie Hassell, Elizabeth City; Allison Hill, Fuquay-Varina; Sarah Hinton, Elon; April Hodges, Emerald Isle; Alisha Khan, China Grove; Lorna Knick, Raleigh; Melissa Lehman, Raleigh; Lee McCollum, Raleigh; Alice McCusker, High Point; Kate McRae, Laurinburg; Ashley Penny, Raleigh; Drew Phifer, Raleigh; Kateah Sapp, Marion; Hussein Sharafi, Fayetteville; Drew Thompson, Rutherfordton; Laura West, Raleigh; Chelsea Wilson, New Bern; Amelia Winter, Fayetteville and Coleman Wright, Elizabeth City.

The Senate recesses at 4:08 P.M. to reconvene at 6:00 P.M. subject to receipt of messages from the House of Representatives, committee reports, referral and re-referral of bills and ratification of bills.

RECESS**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 769 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENSURE COMPLIANCE WITH MOTOR CARRIER AND COMMERCIAL DRIVERS LICENSE PROVISIONS OF CHAPTER 20 OF THE GENERAL STATUTES AND TO AUTHORIZE THE COMMISSIONER

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OF MOTOR VEHICLES TO ENTER INTO THE UNIFIED MOTOR CARRIER REGISTRATION AGREEMENT, 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 70614, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on the today's Supplemental Calendar.

H.B. 1005 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BONDS FOR CONTRACTS ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMISSION CONTRACTORS WHO OPERATE LICENSE PLATE AGENCIES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60409, which changes the title upon concurrence to read **H.B. 1005** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RECOMMENDATIONS ON DEBT CAPACITY INCLUDE RECOMMENDATIONS RELATED TO DEBT SUPPORTED BY THE GENERAL FUND, THE HIGHWAY FUND, AND THE HIGHWAY TRUST FUND; TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STIP PLANNING AND DEVELOPMENT PROCESS; TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF STATE PERSONNEL TO DEVELOP A PILOT PROGRAM TO ADDRESS TALENT MANAGEMENT NEEDS; TO DIRECT THE OFFICE OF STATE BUDGET AND MANAGEMENT TO STUDY LONG-TERM ECONOMIC, MOBILITY, AND INFRASTRUCTURE NEEDS; TO ENACT CERTAIN BRIDGE CONSTRUCTION GUIDELINES; AND TO REQUIRE COMPLIANCE WITH CERTAIN FEDERAL GUIDELINES FOR TRANSPORTATION PROJECTS, is adopted and engrossed.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

H.B. 1228 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN INCREASE IN THE PENALTY SET FOR A RED LIGHT VIOLATION DETECTED BY A CAMERA; TO REQUIRE THAT THE CLEAR PROCEEDS OF EACH PENALTY COLLECTED BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; TO DEFINE WHAT AMOUNTS MAY BE DEDUCTED FROM EACH PENALTY BY A MUNICIPALITY TO ARRIVE AT THE AMOUNT OF CLEAR PROCEEDS FROM EACH CIVIL PENALTY THAT MUST BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; AND TO PERMIT A COLLECTION ASSISTANCE FEE TO BE COLLECTED FROM THE RESPONSIBLE PARTY IF THE CIVIL PENALTY IS NOT PAID WITHIN A SPECIFIED TIME, 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 30532, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

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H.B. 1595 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AGRICULTURAL GROWTH ZONES AND TO ALLOW MORE THAN ONE AGRARIAN GROWTH ZONE IN A 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 80500, which changes the title upon concurrence to read **H.B. 1595** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS IN THE LOCAL DEVELOPMENT ACT, TO CLARIFY URBAN PROGRESS ZONES AND AGRARIAN GROWTH ZONES, TO ALLOW MORE THAN ONE AGRARIAN GROWTH ZONE IN A COUNTY, TO CLARIFY WHEN THE LAST REPORT IS DUE FOR THE REPEALED LEE ACT CREDITS, TO MAKE TECHNICAL CHANGES CONCERNING THE TAX CREDITS FOR GROWING BUSINESSES; TO PROVIDE FOR PUBLICATION, MONITORING, AND REPORTING ON ECONOMIC DEVELOPMENT INCENTIVE CLAWBACKS; AND TO REQUIRE CLAWBACK PROVISIONS IN LOCAL ECONOMIC DEVELOPMENT AGREEMENTS, is adopted and engrossed.

H.B. 1785 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE CIGARETTE FIRE SAFETY BY ADOPTING A CIGARETTE FIRE-SAFETY STANDARD, 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 50774, which changes the title upon concurrence to read **H.B. 1785** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CIGARETTE FIRE SAFETY BY ADOPTING A CIGARETTE FIRE-SAFETY STANDARD AND TO CLARIFY THE STOCKHOLDER REQUIREMENTS FOR A BEHAVIORAL HEALTH PROFESSIONAL CORPORATION, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

By Senator Soles for the **Commerce, Small Business and Entrepreneurship Committee**:

H.B. 267 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD ETHYL ALCOHOL AS A SUBSTANCE SPECIFICALLY NAMED AS A TOXIC VAPOR AND TO MAKE ILLEGAL ANY INSTRUMENT THAT CAN BE USED TO ATOMIZE OR INTRODUCE A TOXIC VAPOR INTO THE BODY UNLESS IT IS A DEVICE USED TO DELIVER A PRESCRIPTION MEDICATION OR AN APPROVED OVER-THE-COUNTER MEDICATION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30531, which changes the title upon concurrence to read **H.B. 267** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF OFF-PREMISES MALT BEVERAGE AND UNFORTIFIED WINE

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PERMITS TO INCORPORATED MUNICIPALITIES AFTER AN ELECTION ALLOWING THE SALE OF MIXED BEVERAGES, TO AMEND THE LAW CONCERNING THE JANUARY 1, 2008, REQUIREMENT FOR CERTAIN ABC PERMITTEES TO RECYCLE BEVERAGE CONTAINERS, AND TO AUTHORIZE WINEMAKING ON PREMISES BY AN UNFORTIFIED WINERY PERMIT HOLDER, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

By Senator Hoyle for the **Finance Committee**:

H.B. 1395 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UTILITIES COMMISSION TO CONSIDER DIFFERENCES BETWEEN ELECTRIC MEMBERSHIP CORPORATIONS AND CITIES NOT RESOLVED PURSUANT TO G.S. 160A-331.2(B), AS ENACTED BY S.L. 2005-150, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Supplemental Calendar.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 229 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETERMINE THE RESIDENCY STATUS OF PERSONS JAILED ON FELONY OR DRIVING WHILE IMPAIRED CHARGES, 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. 581 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES AND CITIES TO PROVIDE BUILDING PERMIT FEE REDUCTIONS OR PARTIAL REBATES TO ENCOURAGE CONSTRUCTION OF BUILDINGS USING SUSTAINABLE DESIGN PRINCIPLES TO ACHIEVE ENERGY EFFICIENCY, 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. 1152 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES TO PAY INTEREST ON ILLEGALLY EXACTED TAXES, FEES, OR MONETARY CONTRIBUTIONS FOR DEVELOPMENT THAT ARE NOT SPECIFICALLY AUTHORIZED BY LAW, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on today's Supplemental Calendar for concurrence.

S.B. 1517 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSPICUOUS DISCLOSURE OF ANY MAINTENANCE FEES CHARGED FOR GIFT CARDS AND TO PROHIBIT ISSUERS OF GIFT CARDS FROM CHARGING MAINTENANCE FEES FOR ONE YEAR AFTER THE DATE OF PURCHASE, 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 1, 2007

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. 1761** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND, and requests conferees.

Speaker Hackney has appointed:

Representative Glazier, Chair
Representative Dickson
Representative Coates
Representative Brubaker
Representative Crawford, and
Representative Lewis

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

August 1, 2007

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 1, 2007

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. 1111** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT ETHICS ACT BY ADDING LIAISON PERSONNEL TO THE DEFINITION OF GIFT; BY CLARIFYING THAT GIFTS FROM EXTENDED FAMILY MEMBERS DO NOT NEED TO BE REPORTED UNDER THE LOBBYING LAW; AND BY CLARIFYING THAT BENEFITS TO NONPROFITS WITH WHICH ASSOCIATED AS MEMBERS OF A GENERAL CLASS ARE NOT PROHIBITED AS A CONFLICT OF INTEREST, AS RECOMMENDED BY THE HOUSE COMMITTEE ON ETHICS, and requests conferees.

Speaker Hackney has appointed:

Representative Ross, Co-Chair
Representative Howard, Co-Chair
Representative Glazier
Representative Lucas, and
Representative Brubaker

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

H.B. 433, A BILL TO BE ENTITLED AN ACT TO ADOPT THE LEXINGTON BARBECUE FESTIVAL AS THE OFFICIAL FOOD FESTIVAL OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10269, which changes the title upon concurrence to read **H.B. 433** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE LEXINGTON BARBECUE FESTIVAL AS THE OFFICIAL FOOD FESTIVAL OF THE NORTH CAROLINA PIEDMONT TRIAD, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1607, A BILL TO BE ENTITLED AN ACT ESTABLISHING JUNETEENTH NATIONAL FREEDOM DAY IN NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10273, which changes the title upon concurrence to read **H.B. 1607** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RECOGNIZING JUNETEENTH NATIONAL FREEDOM DAY IN NORTH CAROLINA, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MITCHELL COUNTY TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ESTABLISH A TWO-YEAR MORATORIUM ON PARTICIPATION IN THE PLAN OF LOCAL GOVERNMENTS NOT PARTICIPATING OR AUTHORIZED TO PARTICIPATE AS OF A CERTAIN DATE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50773, which changes the title upon concurrence to read **H.B. 1181** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONTRACT FINANCING AND SURETY BONDS FOR SMALL BUSINESSES THAT CONTRACT WITH GOVERNMENTAL AGENCIES, is adopted and engrossed.

Upon motion of Senator Rand, 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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee**:

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H.B. 1738 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ADVISORY COMMISSION ON HOSPITAL INFECTION CONTROL AND DISCLOSURE, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

H.B. 1005 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RECOMMENDATIONS ON DEBT CAPACITY INCLUDE RECOMMENDATIONS RELATED TO DEBT SUPPORTED BY THE GENERAL FUND, THE HIGHWAY FUND, AND THE HIGHWAY TRUST FUND; TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STIP PLANNING AND DEVELOPMENT PROCESS; TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF STATE PERSONNEL TO DEVELOP A PILOT PROGRAM TO ADDRESS TALENT MANAGEMENT NEEDS; TO DIRECT THE OFFICE OF STATE BUDGET AND MANAGEMENT TO STUDY LONG-TERM ECONOMIC, MOBILITY, AND INFRASTRUCTURE NEEDS; TO ENACT CERTAIN BRIDGE CONSTRUCTION GUIDELINES; AND TO REQUIRE COMPLIANCE WITH CERTAIN FEDERAL GUIDELINES FOR TRANSPORTATION PROJECTS, 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 30536, which changes the title upon concurrence to read **H.B. 1005** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RECOMMENDATIONS ON DEBT CAPACITY INCLUDE RECOMMENDATIONS RELATED TO DEBT SUPPORTED BY THE GENERAL FUND, THE HIGHWAY FUND, AND THE HIGHWAY TRUST FUND; TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STIP PLANNING AND DEVELOPMENT PROCESS; TO DIRECT THE OFFICE OF STATE BUDGET AND MANAGEMENT TO STUDY LONG-TERM ECONOMIC, MOBILITY, AND INFRASTRUCTURE NEEDS; TO ENACT CERTAIN BRIDGE CONSTRUCTION GUIDELINES; AND TO REQUIRE COMPLIANCE WITH CERTAIN FEDERAL GUIDELINES FOR TRANSPORTATION PROJECTS, 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 Supplemental Calendar.

SUPPLEMENTAL CALENDAR

Bills on today's Supplemental Calendar are taken up and disposed of, as follows:

H.B. 1036 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ALLOCATION AMONG LOCAL GOVERNMENTS OF THE TENNESSEE VALLEY AUTHORITY PAYMENT IN LIEU OF TAXES.

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Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Supplemental Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

The Chair grants a leave of absence for the remainder of tonight's session to Senator Malone.

Upon the appearance of Senator Cowell in the Chamber, the Chair acknowledges her presence and the leave of absence granted previously is withdrawn.

H.B. 1228 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN INCREASE IN THE PENALTY SET FOR A RED LIGHT VIOLATION DETECTED BY A CAMERA; TO REQUIRE THAT THE CLEAR PROCEEDS OF EACH PENALTY COLLECTED BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; TO DEFINE WHAT AMOUNTS MAY BE DEDUCTED FROM EACH PENALTY BY A MUNICIPALITY TO ARRIVE AT THE AMOUNT OF CLEAR PROCEEDS FROM EACH CIVIL PENALTY THAT MUST BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; AND TO PERMIT A COLLECTION ASSISTANCE FEE TO BE COLLECTED FROM THE RESPONSIBLE PARTY IF THE CIVIL PENALTY IS NOT PAID WITHIN A SPECIFIED TIME.

The Senate Committee Substitute bill passes its second (45-3) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1688 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CREATE A LIMITED REGISTRATION PLATE, TO EXEMPT MOTOR VEHICLES REGISTERED UNDER THE INTERNATIONAL REGISTRATION PLAN FROM THE COMBINED REGISTRATION AND PROPERTY TAX SYSTEM, TO PROVIDE THAT INTEREST GENERATED BY FUNDS IN THE COMBINED MOTOR VEHICLE AND REGISTRATION ACCOUNT BE CREDITED TO THE ACCOUNT, TO AUTHORIZE THE OFFICE OF STATE BUDGET AND MANAGEMENT TO DIRECT THE TREASURER TO DISTRIBUTE THE FUNDS IN THE ACCOUNT TO IMPLEMENT THE INTEGRATED COMPUTER SYSTEM, TO DISTRIBUTE ANY REMAINING FUNDS IN THE ACCOUNT TO THE LOCAL GOVERNMENTS, AND TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM, upon second reading.

Without objection, Senator Brown requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Thursday, August 2, upon third reading.

S.B. 1431 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF DEEP RIVER STATE TRAIL TO THE STATE PARKS SYSTEM AND TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY.

The Committee Substitute bill No. 2 passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 206 (Committee Substitute), 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.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 267 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF OFF-PREMISES MALT BEVERAGE AND UNFORTIFIED WINE PERMITS TO INCORPORATED MUNICIPALITIES AFTER AN ELECTION ALLOWING THE SALE OF MIXED BEVERAGES, TO AMEND THE LAW CONCERNING THE JANUARY 1, 2008, REQUIREMENT FOR CERTAIN ABC PERMITTEES TO RECYCLE BEVERAGE CONTAINERS, AND TO AUTHORIZE WINEMAKING ON PREMISES BY AN UNFORTIFIED WINERY PERMIT HOLDER.

Upon motion of Senator Hoyle, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 433 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE LEXINGTON BARBECUE FESTIVAL AS THE OFFICIAL FOOD FESTIVAL OF THE NORTH CAROLINA PIEDMONT TRIAD.

The Senate Committee Substitute bill passes its second (43-5) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

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H.B. 679 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION.

Upon motion of Senator Rand, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

H.B. 769 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE COMPLIANCE WITH MOTOR CARRIER AND COMMERCIAL DRIVERS LICENSE PROVISIONS OF CHAPTER 20 OF THE GENERAL STATUTES AND TO AUTHORIZE THE COMMISSIONER OF MOTOR VEHICLES TO ENTER INTO THE UNIFIED MOTOR CARRIER REGISTRATION AGREEMENT.

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.

Upon the appearance of Senator Malone in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 1181 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONTRACT FINANCING AND SURETY BONDS FOR SMALL BUSINESSES THAT CONTRACT WITH GOVERNMENTAL AGENCIES.

The Senate Committee Substitute bill passes its second (46-3) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1304 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE USE OF REMAINING END-OF-YEAR TUITION ASSISTANCE PROGRAM FUNDS FOR REPAYMENT OF OUTSTANDING ELIGIBLE STUDENT LOANS FOR DEPLOYED MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD.

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.

H.B. 1395 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UTILITIES COMMISSION TO CONSIDER DIFFERENCES BETWEEN ELECTRIC MEMBERSHIP CORPORATIONS AND CITIES NOT RESOLVED PURSUANT TO G.S. 160A-331.2(B), AS ENACTED BY S.L. 2005-150.

Without objection, Senator Dalton requests to be excused from voting on the Committee Substitute bill No. 2 due to a conflict of interest.

The Committee Substitute bill No. 2 passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor by special message.

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CONFERENCE REPORT

Senator Graham, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 671** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD, 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 671, A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD, Senate State & Local Government Committee Substitute Adopted 7/25/07, submit the following report:

The House Concur in the Senate State & Local Government Committee Substitute Adopted 7/25/07 with an amendment as follows: on page 2, lines 28-33 by rewriting those lines to read:

"b. The Governor shall select a person to serve as the temporary replacement representative or senator. If the appropriate party executive committee recommends an eligible person within 14 days of the occurrence of the vacancy, the appointment shall be made under the same procedure as provided by G.S. 163-11. If a recommendation is not made on a timely basis, the Governor may appoint any person who is both:

1. A resident of the legislative district represented by the legislator being temporarily replaced.

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2. A member of the same political party as the legislator being temporarily replaced.

In any case, the person appointed must be eligible to serve under Section under Section 6 of Article II of the North Carolina Constitution if a senator or Section 7 of Article II of the North Carolina Constitution if a representative."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 1, 2007.

Conferees for the Senate

Conferees for the House of Representatives

S/Malcolm Graham, Chair
S/Richard Stevens

S/Grier Martin, Chair
S/Ric Killian, Chair
S/Walter G. Church, Sr., Chair

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Supplemental Calendar for adoption.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

S.B. 1256, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55570, 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.

H.B. 1556, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70615, which changes the title upon concurrence to read **H.B. 1556** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

CONFERENCE REPORT

Senator Queen, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 820** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN, 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 820, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN, Senate Finance Committee Substitute Adopted 7/26/07, Third Edition Engrossed 7/27/07, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 7/26/07, Third Edition Engrossed 7/27/07, and the House concurs in the Senate Finance Committee Substitute as amended:

Delete the entire Senate Finance Committee Substitute and substitute the attached proposed Conference Committee Substitute H820-PCCS-30537-RT-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: 1 August 2007.

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Conferees for the Senate

S/Joe Sam Queen, Chair
 S/Charles W. Albertson
 S/Daniel G. Clodfelter
 S/Fletcher L. Hartsell, Jr.
 S/Richard Stevens

Conferees for the House of Representatives

S/Lucy T. Allen, Chair
 S/Becky Carney
 S/Walter G. Church, Sr.
 S/Mitch Gillespie
 S/Grier Martin
 S/Ruth Samuelson
 S/Cullie M. Tarleton
 S/Ray Warren

The text of the attached Proposed Conference Committee Substitute, H820-PCCS-30537-RT-1 is as follows:

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Environmental Review Commission, with the assistance of the Department of Environment and Natural Resources, shall study the allocation of surface water resources and their availability and maintenance in the State, including issues related to the transfer of water from one river basin to another, the withdrawal of water for consumptive use, and the accuracy and tolerance of equipment used to measure the flow of water transferred from one river basin to another river basin. The Commission shall evaluate the benefits of establishing formal and informal procedures for negotiating transfers of water from one river basin to another. The Commission shall also study and recommend measures to: (i) ensure that the purposes of the Regional Water Supply Planning Act of 1971, as set out in G.S. 162A-21, are fulfilled; (ii) provide for a comprehensive system for regulating surface water withdrawals for consumptive and nonconsumptive uses; (iii) provide for the establishment of a statewide plan for water resources development projects; (iv) provide for adequate resources for the Department so that it may develop and implement a comprehensive approach to water resources management; (v) ensure that all State laws regulating water resources are consistent with and fully integrated into the comprehensive system for regulating surface water withdrawals and the statewide plan for water resources development projects; and (vi) ensure that potential interstate conflicts related to water resources are avoided or minimized. In the conduct of this study, the Environmental Review Commission may employ independent consultants as provided in G.S. 120-32.02 and G.S. 120-70.44. The Environmental Review Commission may submit an interim report to the 2008 Regular Session of the General Assembly and shall

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submit a final report of its findings and recommendations, including any legislative proposals, to the 2009 General Assembly.

SECTION 1.(b) The Division of Water Resources of the Department of Environment and Natural Resources, in consultation with the Environmental Review Commission, shall prepare a revised map entitled "Major River Basins and Sub-basins in North Carolina". The revised map shall be prepared as a recommended replacement for the map referenced in G.S. 143-215.22G. The revised map shall define the extent to which any river basin that encompasses any river that flows from another state into North Carolina or that flows from North Carolina into another state extends into an adjacent state. The Environmental Review Commission shall recommend a revised map and a conforming legislative proposal to amend the definition of "river basin" set out in G.S. 143-215.22G to the 2008 Regular Session of the General Assembly.

SECTION 2. G.S. 143-215.22I is repealed.

SECTION 3. Part 2A of Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

§ 143-215.22L. Regulation of surface water transfers.

(a) Certificate Required. – No person, without first obtaining a certificate from the Commission, may:

- (1) Initiate a transfer of 2,000,000 gallons of water or more per day from one river basin to another.
- (2) Increase the amount of an existing transfer of water from one river basin to another by twenty-five percent (25%) or more above the average daily amount transferred during the year ending 1 July 1993 if the total transfer including the increase is 2,000,000 gallons or more per day.
- (3) Increase an existing transfer of water from one river basin to another above the amount approved by the Commission in a certificate issued under G.S. 162A-7 prior to 1 July 1993.

(b) Exception. – Notwithstanding the provisions of subsection (a) of this section, a certificate shall not be required to transfer water from one river basin to another up to the full capacity of a facility to transfer water from one basin to another if the facility was in existence or under construction on 1 July 1993.

(c) Notice of Intent to File a Petition. – An applicant shall prepare a notice of intent to file a petition that includes a nontechnical description of the applicant's request and an identification of the proposed water source. Within 90 days after the applicant files a notice of intent to file a petition, the applicant shall hold at least one public meeting in the source river basin upstream from the proposed point of withdrawal, at least one public meeting in the source river basin downstream from the proposed point of withdrawal, and at least one public meeting in the receiving river basin to provide information to interested parties and the public regarding the nature and extent of the proposed transfer and to receive comment on the scope of the environmental documents. Written notice of the public meetings shall be provided at least 30 days before the public

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meetings. At the time the applicant gives notice of the public meetings, the applicant shall request comment on the alternatives and issues that should be addressed in the environmental documents required by this section. The applicant shall accept written comment on the scope of the environmental documents for a minimum of 30 days following the last public meeting. Notice of the public meetings and opportunity to comment on the scope of the environmental documents shall be provided as follows:

- (1) By publishing notice in the North Carolina Register.
- (2) By publishing notice in a newspaper of general circulation in:
 - a. Each county in this State located in whole or in part of the area of the source river basin upstream from the proposed point of withdrawal.
 - b. Each county in an adjacent state located in whole or in part of the area of the source river basin upstream from the proposed point of withdrawal, up to the point of the last impoundment upstream from the point of withdrawal. This subdivision shall not apply if there are no impoundments located in the source river basin upstream from the proposed point of withdrawal.
 - c. Each county in this State or in an adjacent state located in whole or in part of the area of the source river basin downstream from the proposed point of withdrawal.
 - d. Any area in the State in a river basin for which the source river basin has been identified as a future source of water in a local water supply plan prepared pursuant to G.S. 143-355(l).
 - e. Each county in the State located in whole or in part of the receiving river basin.
- (3) By giving notice by first-class mail or electronic mail to each of the following:
 - a. The board of commissioners of each county in this State or the governing body of any county or city that is politically independent of a county in any adjacent state that is located entirely or partially within the source river basin of the proposed transfer.
 - b. The board of commissioners of each county in this State or the governing body of any county or city that is politically independent of a county in any adjacent state that is located entirely or partially within the receiving river basin of the proposed transfer.
 - c. The governing body of any public water supply

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- system that withdraws water upstream or downstream from the withdrawal point of the proposed transfer.
- d. If any portion of the source or receiving river basins is located in an adjacent state, all state water management or use agencies, environmental protection agencies, and the office of the governor in each adjacent state upstream or downstream from the withdrawal point of the proposed transfer.
 - e. All persons who have registered a water withdrawal or transfer from the proposed source river basin under this Part or under similar law in an adjacent state.
 - f. All persons who hold a certificate for a transfer of water from the proposed source river basin under this Part or under similar law in an adjacent state.
 - g. All persons who hold a National Pollutant Discharge Elimination System (NPDES) wastewater discharge permit for a discharge of 100,000 gallons per day or more upstream or downstream from the proposed point of withdrawal.
 - h. To any other person who submits to the applicant a written request to receive all notices relating to the petition.

(d) Environmental Documents. – The definitions set out in G.S. 113A-9 apply to this section. The Department shall conduct a study of the environmental impacts of any proposed transfer of water for which a certificate is required under this section. The study shall meet all of the requirements set forth in G.S. 113A-4 and rules adopted pursuant to G.S. 113A-4. An environmental assessment shall be prepared for any petition for a certificate under this section. The determination of whether an environmental impact statement shall also be required shall be made in accordance with the provisions of Article 1 of Chapter 113A of the General Statutes; except that an environmental impact statement shall be prepared for every proposed transfer of water from one major river basin to another for which a certificate is required under this section. The applicant who petitions the Commission for a certificate under this section shall pay the cost of special studies necessary to comply with Article 1 of Chapter 113A of the General Statutes. An environmental impact statement prepared pursuant to this subsection shall include all of the following:

- (1) A comprehensive analysis of the impacts that would occur in the source river basin and the receiving river basin if the petition for a certificate is granted.
- (2) An evaluation of alternatives to the proposed interbasin

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transfer, including water supply sources that do not require an interbasin transfer and use of water conservation measures.

(3) A description of measures to mitigate any adverse impacts that may arise from the proposed interbasin transfer.(e) Public Hearing on the Draft Environmental Document. – The Commission shall hold a public hearing on the draft environmental document for a proposed interbasin transfer after giving at least 30 days' written notice of the hearing in the Environmental Bulletin and as provided in subdivisions (2) and (3) of subsection (c) of this section. The notice shall indicate where a copy of the environmental document can be reviewed and the procedure to be followed by anyone wishing to submit written comments and questions on the environmental document. The Commission shall prepare a record of all comments and written responses to questions posed in writing. The record shall include complete copies of scientific or technical comments related to the potential impact of the interbasin transfer. The Commission shall accept written comment on the draft environmental documents for a minimum of 30 days following the last public hearing.

(f) Determination of Adequacy of Environmental Document. – The Commission shall not act on any petition for an interbasin transfer until the Commission has determined that the environmental document is complete and adequate. A decision on the adequacy of the environmental document is subject to review in a contested case on the decision of the Commission to issue or deny a certificate under this section.

(g) Petition. – An applicant for a certificate shall petition the Commission for the certificate. The petition shall be in writing and shall include all of the following:

- (1) A description of the facilities to be used to transfer the water, including the location and capacity of water intakes, pumps, pipelines, and other facilities.
- (2) A description of all the proposed consumptive and nonconsumptive uses of the water to be transferred.
- (3) A description of the water quality of the source river and receiving river, including information on aquatic habitat for rare, threatened, and endangered species; in-stream flow data for segments of the source and receiving rivers that may be affected by the transfer; and any waters that are impaired pursuant to section 303(d) of the federal Clean Water Act (33 U.S.C. § 1313(d)).
- (4) A description of the water conservation measures used by the applicant at the time of the petition and any additional water conservation measures that the applicant will implement if the certificate is granted.
- (5) A description of all sources of water within the receiving river basin, including surface water impoundments, groundwater wells, reinjection storage, and purchase of

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water from another source within the river basin, that is a practicable alternative to the proposed transfer that would meet the applicant's water supply needs. The description of water sources shall include sources available at the time of the petition for a certificate and any planned or potential water sources.

- (6) A description of water transfers and withdrawals registered under G.S. 143-215.22H or included in a local water supply plan prepared pursuant to G.S. 143-355(l) from the source river basin, including transfers and withdrawals at the time of the petition for a certificate and any planned or reasonably foreseeable transfers or withdrawals by a public water system with service area located within the source river basin.
- (7) A demonstration that the proposed transfer, if added to all other transfers and withdrawals required to be registered under G.S. 143-215.22H or included in any local water supply plan prepared by a public water system with service area located within the source basin pursuant to G.S. 143-355(l) from the source river basin at the time of the petition for a certificate, would not reduce the amount of water available for use in the source river basin to a degree that would impair existing uses, pursuant to the antidegradation policy set out in 40 Code of Federal Regulation § 131.12 (Antidegradation Policy) (1 July 2006 Edition) and the statewide antidegradation policy adopted pursuant thereto, or existing and planned consumptive and nonconsumptive uses of the water in the source river basin. If the proposed transfer would impact a reservoir within the source river basin, the demonstration must include a finding that the transfer would not result in a water level in the reservoir that is inadequate to support existing uses of the reservoir, including recreational uses.
- (8) The applicant's future water supply needs and the present and reasonably foreseeable future water supply needs for public water systems with service area located within the source river basin. The analysis of future water supply needs shall include agricultural, recreational, and industrial uses, and electric power generation. Local water supply plans prepared pursuant to G.S. 143-355(l) for water systems with service area located within the source river basin shall be used to evaluate the projected future water needs in the source river basin that will be met by public water systems.
- (9) The applicant's water supply plan prepared pursuant to G.S. 143-355(l). If the applicant's water supply plan is

more than two years old at the time of the petition, then the applicant shall include with the petition an updated water supply plan.

(10) Any other information deemed necessary by the Commission for review of the proposed water transfer.

(h) Settlement Discussions. – Upon the request of the applicant, any interested party, or the Department, or upon its own motion, the Commission may appoint a mediation officer. The mediation officer may be a member of the Commission, an employee of the Department, or a neutral third party but shall not be a hearing officer under subsections (e) or (j) of this section. The mediation officer shall make a reasonable effort to initiate settlement discussions between the applicant and all other interested parties. Evidence of statements made and conduct that occurs in a settlement discussion conducted under this subsection, whether attributable to a party, a mediation officer, or other person shall not be subject to discovery and shall be inadmissible in any subsequent proceeding on the petition for a certificate. The Commission may adopt rules to govern the conduct of the mediation process.

(i) Draft Determination. – Within 90 days after the Commission determines that the environmental document prepared in accordance with subsection (d) of this section is adequate or the applicant submits its petition for a certificate, whichever occurs later, the Commission shall issue a draft determination on whether to grant the certificate. The draft determination shall be based on the criteria set out in this section and shall include the conditions and limitations, findings of fact, and conclusions of law that would be required in a final determination. Notice of the draft determination shall be given as provided in subsection (c) of this section.

(j) Public Hearing on the Draft Determination. – Within 60 days of the issuance of the draft determination as provided in subsection (i) of this section, the Commission shall hold public hearings on the draft determination. At least one hearing shall be held in the affected area of the source river basin, and at least one hearing shall be held in the affected area of the receiving river basin. In determining whether more than one public hearing should be held within either the source or receiving river basins, the Commission shall consider the differing or conflicting interests that may exist within the river basins, including the interests of both upstream and downstream parties potentially affected by the proposed transfer. The public hearings shall be conducted by one or more hearing officers appointed by the Chair of the Commission. The hearing officers may be members of the Commission or employees of the Department. The Commission shall give at least 30 days' written notice of the public hearing as provided in subsection (c) of this section. The Commission shall accept written comment on the draft determination for a minimum of 30 days following the last public hearing. The Commission shall prepare a record of all comments and written responses to questions posed in writing. The record shall include complete copies of scientific or technical comments related to the potential impact of the interbasin transfer.

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(k) Final Determination: Factors to be Considered. – In determining whether a certificate may be issued for the transfer, the Commission shall specifically consider each of the following items and state in writing its findings of fact and conclusions of law with regard to each item:

- (1) The necessity and reasonableness of the amount of surface water proposed to be transferred and its proposed uses.
- (2) The present and reasonably foreseeable future detrimental effects on the source river basin, including present and future effects on public, industrial, economic, recreational, and agricultural water supply needs, wastewater assimilation, water quality, fish and wildlife habitat, electric power generation, navigation, and recreation. Local water supply plans for public water systems with service area located within the source river basin prepared pursuant to G.S. 143-355(l) shall be used to evaluate the projected future water needs in the source river basin that will be met by public water systems. Information on projected future water needs for public water systems with service area located within the source river basin that is more recent than the local water supply plans may be used if the Commission finds the information to be reliable. The determination shall include a specific finding as to measures that are necessary or advisable to mitigate or avoid detrimental impacts on the source river basin.
- (3) The cumulative effect on the source major river basin of any water transfer or consumptive water use that, at the time the Commission considers the petition for a certificate is occurring, is authorized under this section, or is projected in any local water supply plan for public water systems with service area located within the source river basin that has been submitted to the Department in accordance with G.S. 143-355(l).
- (4) The present and reasonably foreseeable future beneficial and detrimental effects on the receiving river basin, including present and future effects on public, industrial, economic, recreational, and agricultural water supply needs, wastewater assimilation, water quality, fish and wildlife habitat, electric power generation, navigation, and recreation. Local water supply plans prepared pursuant to G.S. 143-355(l) that affect the receiving river basin shall be used to evaluate the projected future water needs in the receiving river basin that will be met by public water systems. Information on projected future water needs that is more recent than the local water

supply plans may be used if the Commission finds the information to be reliable. The determination shall include a specific finding as to measures that are necessary or advisable to mitigate or avoid detrimental impacts on the receiving river basin.

- (5) The availability of reasonable alternatives to the proposed transfer, including the potential capacity of alternative sources of water, the potential of each alternative to reduce the amount of or avoid the proposed transfer, probable costs, and environmental impacts. In considering alternatives, the Commission is not limited to consideration of alternatives that have been proposed, studied, or considered by the applicant. The determination shall include a specific finding as to why the applicant's need for water cannot be satisfied by alternatives within the receiving basin, including unused capacity under a transfer for which a certificate is in effect or that is otherwise authorized by law at the time the applicant submits the petition. The determination shall consider the extent to which access to potential sources of surface water or groundwater within the receiving river basin is no longer available due to depletion, contamination, or the declaration of a capacity use area under Part 2 of Article 21 of Chapter 143 of the General Statutes. The determination shall consider the feasibility of the applicant's purchase of water from other water suppliers within the receiving basin and of the transfer of water from another sub-basin within the receiving major river basin. Except in circumstances of technical or economic infeasibility or adverse environmental impact, the Commission's determination as to reasonable alternatives shall give preference to alternatives that would involve a transfer from one sub-basin to another within the major receiving river basin over alternatives that would involve a transfer from one major river basin to another major river basin.
- (6) If applicable to the proposed project, the applicant's present and proposed use of impoundment storage capacity to store water during high-flow periods for use during low-flow periods and the applicant's right of withdrawal under G.S. 143-215.44 through G.S. 143-215.50.
- (7) If the water to be withdrawn or transferred is stored in a multipurpose reservoir constructed by the United States Army Corps of Engineers, the purposes and water storage allocations established for the reservoir at the time the reservoir was authorized by the Congress of the United States.

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- (8) Whether the service area of the applicant is located in both the source river basin and the receiving river basin.
- (9) Any other facts and circumstances that are reasonably necessary to carry out the purposes of this Part.

(l) Final Determination: Information to be Considered. – In determining whether a certificate may be issued for the transfer, the Commission shall consider all of the following sources of information:

- (1) The petition.
- (2) The environmental document prepared pursuant to subsection (d) of this section.
- (3) All oral and written comment and all accompanying materials or evidence submitted pursuant to subsections (e) and (j) of this section.
- (4) Information developed by or available to the Department on the water quality of the source river basin and the receiving river basin, including waters that are identified as impaired pursuant to section 303(d) of the federal Clean Water Act (33 U.S.C. § 1313(d)), that are subject to a total maximum daily load (TMDL) limit under subsections (d) and (e) of section 303 of the federal Clean Water Act, or that would have their assimilative capacity impaired if the certificate is issued.
- (5) Any other information that the Commission determines to be relevant and useful.

(m) Final Determination: Burden and Standard of Proof; Specific Findings. – The Commission shall grant a certificate for a water transfer if the Commission finds that the applicant has established by a preponderance of the evidence all of the following:

- (1) The benefits of the proposed transfer outweigh the detriments of the proposed transfer. In making this determination, the Commission shall be guided by the approved environmental document and the policy set out in subsection (t) of this section.
- (2) The detriments have been or will be mitigated to the maximum degree practicable.
- (3) The amount of the transfer does not exceed the amount of the projected shortfall under the applicant's water supply plan after first taking into account all other sources of water that are available to the applicant.
- (4) There are no reasonable alternatives to the proposed transfer.

(n) Final Determination: Certificate Conditions and Limitations. – The Commission may grant the certificate in whole or in part, or deny the certificate. The Commission may impose any conditions or limitations on a certificate that the Commission finds necessary to achieve the purposes of this Part including a limit on the period for which the certificate is valid. The conditions and

limitations shall include any mitigation measures proposed by the applicant to minimize any detrimental effects within the source and receiving river basins. In addition, the certificate shall require all of the following conditions and limitations:

- (1) A water conservation plan that specifies the water conservation measures that will be implemented by the applicant in the receiving river basin to ensure the efficient use of the transferred water. Except in circumstances of technical or economic infeasibility or adverse environmental impact, the water conservation plan shall provide for the mandatory implementation of water conservation measures by the applicant that equal or exceed the most stringent water conservation plan implemented by a community water system, as defined in G.S. 143-355(1), that withdraws water from the source river basin.
- (2) A drought management plan that specifies how the transfer shall be managed to protect the source river basin during drought conditions or other emergencies that occur within the source river basin. Except in circumstances of technical or economic infeasibility or adverse environmental impact, this drought management plan shall include mandatory reductions in the permitted amount of the transfer based on the severity and duration of a drought occurring within the source river basin and shall provide for the mandatory implementation of a drought management plan by the applicant that equals or exceeds the most stringent water conservation plan implemented by a community water system, as defined in G.S. 143-355(1), that withdraws water from the source river basin.
- (3) The maximum amount of water that may be transferred on a daily basis, and methods or devices required to be installed and operated that measure the amount of water that is transferred.
- (4) A provision that the Commission may amend a certificate to reduce the maximum amount of water authorized to be transferred whenever it appears that an alternative source of water is available to the certificate holder from within the receiving river basin, including, but not limited to, the purchase of water from another water supplier within the receiving basin or to the transfer of water from another sub-basin within the receiving major river basin.
- (5) A provision that the Commission shall amend the certificate to reduce the maximum amount of water authorized to be transferred if the Commission finds that

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the applicant's current projected water needs are significantly less than the applicant's projected water needs at the time the certificate was granted.

- (6) A requirement that the certificate holder report the quantity of water transferred during each calendar quarter. The report required by this subdivision shall be submitted to the Commission no later than 30 days after the end of the quarter.
- (7) Except as provided in this subdivision, a provision that the applicant will not resell the water that would be transferred pursuant to the certificate to another public water supply system. This limitation shall not apply in the case of a proposed resale or transfer among public water supply systems within the receiving river basin as part of an interlocal agreement or other regional water supply arrangement, provided that each participant in the interlocal agreement or regional water supply arrangement is a co-applicant for the certificate and will be subject to all the terms, conditions, and limitations made applicable to any lead or primary applicant.

(o) Administrative and Judicial Review. – Administrative and judicial review of a final decision by the Commission on a petition for a certificate under this section shall be governed by Chapter 150B of the General Statutes.

(p) Certain Preexisting Transfers. – In cases where an applicant requests approval to increase a transfer that existed on 1 July 1993, the Commission may approve or disapprove only the amount of the increase. If the Commission approves the increase, the certificate shall be issued for the amount of the preexisting transfer plus any increase approved by the Commission. A certificate for a transfer approved by the Commission under G.S. 162A-7 shall remain in effect as approved by the Commission and shall have the same effect as a certificate issued under this Part. A certificate for the increase of a preexisting transfer shall contain all of the conditions and limitations required by subsection (m) of this section.

(q) Emergency Transfers. – In the case of water supply problems caused by drought, a pollution incident, temporary failure of a water plant, or any other temporary condition in which the public health, safety, or welfare requires a transfer of water, the Secretary of Environment and Natural Resources may grant approval for a temporary transfer. Prior to approving a temporary transfer, the Secretary shall consult with those parties listed in subdivision (3) of subsection (c) of this section that are likely to be affected by the proposed transfer. However, the Secretary shall not be required to satisfy the public notice requirements of this section or make written findings of fact and conclusions of law in approving a temporary transfer under this subsection. If the Secretary approves a temporary transfer under this subsection, the Secretary shall specify conditions to protect other water users. A temporary transfer shall not exceed six months in duration, but the approval may be renewed for a period of six months by the Secretary based on demonstrated need as set forth in this subsection.

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(r) Relationship to Federal Law. – The substantive restrictions, conditions, and limitations upon surface water transfers authorized in this section may be imposed pursuant to any federal law that permits the State to certify, restrict, or condition any new or continuing transfers or related activities licensed, relicensed, or otherwise authorized by the federal government. This section shall govern the transfer of water from one river basin to another unless preempted by federal law.

(s) Planning Requirements. – When any transfer for which a certificate was issued under this section equals or exceeds eighty percent (80%) of the maximum amount authorized in the certificate, the applicant shall submit to the Department a detailed plan that specifies how the applicant intends to address future foreseeable water needs. If the applicant is required to have a local water supply plan, then this plan shall be an amendment to the local water supply plan required by G.S.143-355(l). When the transfer equals or exceeds ninety percent (90%) of the maximum amount authorized in the certificate, the applicant shall begin implementation of the plan submitted to the Department.

(t) Statement of Policy. – It is the public policy of the State to maintain, protect, and enhance water quality within North Carolina. It is the public policy of this State that the reasonably foreseeable future water needs of a public water system with its service area located primarily in the receiving river basin are subordinate to the reasonably foreseeable future water needs of a public water system with its service area located primarily in the source river basin. Further, it is the public policy of the State that the cumulative impact of transfers from a source river basin shall not result in a violation of the antidegradation policy set out in 40 Code of Federal Regulations § 131.12 (1 July 2006 Edition) and the statewide antidegradation policy adopted pursuant thereto.

(u) Renewal of Certificate. – A petition to extend or renew a certificate shall be treated as a new petition."

SECTION 4. G.S. 113A-8.1 reads as rewritten:

"§ 113A-8.1. Surface water transfers.

An environmental assessment shall be prepared for any transfer for which a petition is filed in accordance with ~~G.S. 143-215.22I~~, G.S. 143-215.22L. The determination of whether an environmental impact statement is needed with regard to the proposed transfer shall be made in accordance with the provisions of this Article."

SECTION 5. G.S. 143-215.6A(a)(9) reads as rewritten:

"(9) Is required, but fails, to apply for or to secure a certificate required by ~~G.S. 143-215.22I~~, G.S. 143-215.22L, or who violates or fails to act in accordance with the terms, conditions, or requirements of the certificate."

SECTION 6. If any section or provision of this act is declared unconstitutional or invalid by the courts, the unconstitutional or invalid section or provision does not affect the validity of this act as a whole or any part of this act other than the part declared to be unconstitutional or invalid.

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SECTION 7.(a) Except as provided in subsection (b) of this section, this act becomes effective when it becomes law and applies to any petition for a certificate for a transfer of surface water from one river basin to another river basin first made on or after that date.

SECTION 7.(b) For a petition for a certificate for transfer of surface water from one river basin to another river basin to supplement ground water supplies in the fifteen counties designated as the Central Coastal Plain Capacity Use Area under 15A NCAC 2E .0501, this act becomes effective 1 January 2011. Prior to 1 January 2011, a petition for a certificate for transfer of surface water from one river basin to another river basin to supplement ground water supplies in the fifteen counties designated as the Central Coastal Plain Capacity Use Area shall be considered and acted upon by the Environmental Management Commission pursuant to the procedures and standards set out in G.S. 143-215.22I on 1 July 2007.

The Conference Report is placed on today's Supplemental Calendar for adoption.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 1607 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RECOGNIZING JUNETEENTH NATIONAL FREEDOM DAY IN NORTH CAROLINA.

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.

H.B. 1785 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CIGARETTE FIRE SAFETY BY ADOPTING A CIGARETTE FIRE-SAFETY STANDARD AND TO CLARIFY THE STOCKHOLDER REQUIREMENTS FOR A BEHAVIORAL HEALTH PROFESSIONAL CORPORATION.

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.

H.B. 1828 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE MATCHING FUNDS PROVISION OF THE JUDICIAL PUBLIC CAMPAIGN ACT; AND TO APPROPRIATE FUNDS FOR IMPLEMENTATION.

The Committee Substitute bill No. 2 passes its second (40-9) and third readings and is ordered enrolled and sent to the Governor by special message.

H.B. 1829, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MANUFACTURED HOUSING BOARD TO USE

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ALTERNATIVE METHODS FOR CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE UNDER THE LAWS REGULATING MANUFACTURED HOMES.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor by special message.

S.B. 229 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETERMINE THE RESIDENCY STATUS OF PERSONS JAILED ON FELONY OR DRIVING WHILE IMPAIRED CHARGES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Boseman, 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. 581 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES AND CITIES TO PROVIDE BUILDING PERMIT FEE REDUCTIONS OR PARTIAL REBATES TO ENCOURAGE CONSTRUCTION OF BUILDINGS USING SUSTAINABLE DESIGN PRINCIPLES TO ACHIEVE ENERGY EFFICIENCY.

Upon motion of Senator Berger of Rockingham, the Chair orders, without objection, the House Committee Substitute bill temporarily displaced.

H.B. 267 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF OFF-PREMISES MALT BEVERAGE AND UNFORTIFIED WINE PERMITS TO INCORPORATED MUNICIPALITIES AFTER AN ELECTION ALLOWING THE SALE OF MIXED BEVERAGES, TO AMEND THE LAW CONCERNING THE JANUARY 1, 2008, REQUIREMENT FOR CERTAIN ABC PERMITTEES TO RECYCLE BEVERAGE CONTAINERS, AND TO AUTHORIZE WINEMAKING ON PREMISES BY AN UNFORTIFIED WINERY PERMIT HOLDER, temporarily displaced earlier today.

The Senate Committee Substitute bill passes its second (39-9) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 679 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION, temporarily displaced earlier today.

Without objection, Senator Bingham and Senator Brown request to be excused from voting on the Committee Substitute bill No. 2 due to a conflict of interest.

Senator Jenkins offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill No. 2, as amended, passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

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S.B. 540 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS, MOTOR FUELS TAX LAWS, AND RELATED STATUTES, temporarily displaced earlier today, 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 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: Senators Brock and Hunt---2.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

H.B. 777 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, temporarily displaced earlier today.

The Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
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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. 1737** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE LEGAL EXPENSE FUNDS OF ELECTED OFFICERS TO

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PROVIDE FOR DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES AND TO LIMIT CONTRIBUTIONS, and requests conferees.

Speaker Hackney has appointed:

Representative Goodwin, Chair
Representative Ross, 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

The Senate recesses at 8:22 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 8:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 581 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES AND CITIES TO PROVIDE BUILDING PERMIT FEE REDUCTIONS OR PARTIAL REBATES TO ENCOURAGE CONSTRUCTION OF BUILDINGS USING SUSTAINABLE DESIGN PRINCIPLES TO ACHIEVE ENERGY EFFICIENCY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 1152 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES TO PAY INTEREST ON ILLEGALLY EXACTED TAXES, FEES, OR MONETARY CONTRIBUTIONS FOR DEVELOPMENT THAT ARE NOT SPECIFICALLY AUTHORIZED BY LAW, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor by special message.

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S.B. 1517 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSPICUOUS DISCLOSURE OF ANY MAINTENANCE FEES CHARGED FOR GIFT CARDS AND TO PROHIBIT ISSUERS OF GIFT CARDS FROM CHARGING MAINTENANCE FEES FOR ONE YEAR AFTER THE DATE OF PURCHASE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Atwater, the Senate concurs in the House Committee Substitute bill (47-2) and the bill is ordered enrolled and sent to the Governor by special message.

H.B. 1005 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RECOMMENDATIONS ON DEBT CAPACITY INCLUDE RECOMMENDATIONS RELATED TO DEBT SUPPORTED BY THE GENERAL FUND, THE HIGHWAY FUND, AND THE HIGHWAY TRUST FUND; TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STIP PLANNING AND DEVELOPMENT PROCESS; TO DIRECT THE OFFICE OF STATE BUDGET AND MANAGEMENT TO STUDY LONG-TERM ECONOMIC, MOBILITY, AND INFRASTRUCTURE NEEDS; TO ENACT CERTAIN BRIDGE CONSTRUCTION GUIDELINES; AND TO REQUIRE COMPLIANCE WITH CERTAIN FEDERAL GUIDELINES FOR TRANSPORTATION PROJECTS, placed earlier on today's Supplemental Calendar.

The Senate Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1111 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT ETHICS ACT, THE LEGISLATIVE ETHICS ACT, AND THE LOBBYING LAWS.

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. 1111 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair, Senator Rand and Senator Stevens as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1737 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE LEGAL EXPENSE FUNDS OF ELECTED OFFICERS TO PROVIDE FOR DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES.

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Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill for H.B. 1737 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair; Senator Berger of Rockingham; Senator Rand and Senator Goss 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. 1761 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT 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. 1761 and requests conferees, 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.

SUPPLEMENTAL CALENDAR (*continued*)

H.B. 1738 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ADVISORY COMMISSION ON HOSPITAL INFECTION CONTROL AND DISCLOSURE, placed earlier on today's Supplemental Calendar.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

H.B. 1556 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, placed earlier on today's Supplemental Calendar.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

S.B. 1256 (Committee Substitute), 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 Supplemental Calendar.

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Senator Rand offers Amendment No. 1 which is adopted (49-0).

Senator Rand offers Amendment No. 2 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

The Chair grants a leave of absence for the remainder of tonight's session to Senator Boseman.

H.B. 1817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS REGARDING COVERED LOANS AND TO INCREASE THE COMMISSIONER'S DISCIPLINARY AUTHORITY OVER LICENSEES UNDER THE MORTGAGE LENDING ACT, temporarily displaced earlier today.

Senator Nesbitt offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (33-15) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence.

The Chair grants a leave of absence for the remainder of tonight's session to Senator Jenkins.

WITHDRAWAL FROM CALENDAR

H.B. 820 (Conference Report), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN, for adoption.

Upon motion of Senator Rand, the Conference Report is withdrawn from today's Supplemental Calendar and is re-referred to the Conference Committee.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.B. 509 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO AMEND PENALTY PROVISIONS, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on today's Supplemental Calendar for concurrence.

S.B. 864 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS; TO AMEND THE PERFUSIONIST LICENSURE ACT, AND TO MAKE CHANGES TO THE APPOINTING PROCESS FOR THE NORTH CAROLINA STATE BOARD OF OPTICIANS, 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. 1270 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LARCENY STATUTES AND TO CREATE THE CRIMINAL OFFENSES OF ORGANIZED RETAIL THEFT, 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. 1272 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXEMPT BIODIESEL THAT IS PRODUCED BY AN INDIVIDUAL FOR PERSONAL USE IN A PRIVATE PASSENGER VEHICLE FROM THE MOTOR FUEL EXCISE TAX, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill No. 2 is placed on today's Supplemental Calendar for concurrence.

S.B. 1485 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING EDUCATION REQUIREMENTS FOR REAL ESTATE APPRAISERS UNDER THE NORTH CAROLINA APPRAISERS ACT, ELIMINATING THE CATEGORY OF LICENSED RESIDENTIAL REAL ESTATE APPRAISER, AND AUTHORIZING THE NORTH CAROLINA APPRAISAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES, 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.

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SUPPLEMENTAL CALENDAR (*continued*)

S.B. 509 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO AMEND PENALTY PROVISIONS, placed earlier on today's Supplemental Calendar for concurrence in the House Committee Substitute bill, upon second reading.

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, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 864 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS; TO AMEND THE PERFUSIONIST LICENSURE ACT, AND TO MAKE CHANGES TO THE APPOINTING PROCESS FOR THE NORTH CAROLINA STATE BOARD OF OPTICIANS, placed earlier on today's Supplemental Calendar for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Purcell 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, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

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The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

S.B. 1270 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LARCENY STATUTES AND TO CREATE THE CRIMINAL OFFENSES OF ORGANIZED RETAIL THEFT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Snow, 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. 1272 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXEMPT BIODIESEL THAT IS PRODUCED BY AN INDIVIDUAL FOR PERSONAL USE IN A PRIVATE PASSENGER VEHICLE FROM THE MOTOR FUEL EXCISE TAX, for concurrence in the House Committee Substitute bill No. 2.

Without objection, Senator Bingham requests to be excused from voting on the House Committee Substitute bill No. 2 due to a conflict of interest.

Upon motion of Senator Snow, 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.

S.B. 1485 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING EDUCATION REQUIREMENTS FOR REAL ESTATE APPRAISERS UNDER THE NORTH CAROLINA APPRAISERS ACT, ELIMINATING THE CATEGORY OF LICENSED RESIDENTIAL REAL ESTATE APPRAISER, AND AUTHORIZING THE NORTH CAROLINA APPRAISAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES, placed earlier on today's Supplemental Calendar for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee**:

H.B. 1517 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT

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FUND-RAISING AND SPENDING LIMITS; AND TO APPROPRIATE FUNDS TO FINANCE THE PROGRAM, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Supplemental Calendar.

SUPPLEMENTAL CALENDAR (*continued*)

H.B. 1517 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; AND TO APPROPRIATE FUNDS TO FINANCE THE PROGRAM, placed earlier on today's Supplemental Calendar.

The Committee Substitute bill No. 2 passes its second reading (26-21).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, August 2, upon third reading.

S.B. 1492 (Conference Report), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN

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THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, temporarily displaced earlier today, for adoption upon second reading.

Upon motion of Senator Albertson, the Senate adopts the Conference Report on its second reading by roll-call vote, ayes 28, noes 16, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Bingham, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goss, Graham, Hagan, Hoyle, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles and Weinstein---28.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin, Jones, Pittenger, Preston, Stevens and Tillman---16.

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The Conference Report remains on the Calendar for Thursday, August 2, for adoption upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 509 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO AMEND PENALTY PROVISIONS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 509 earlier today and the motion by Senator Hoyle to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Jenkins, Chair, Senator Brown 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.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 864 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS; TO AMEND THE PERFUSIONIST LICENSURE ACT, AND TO MAKE CHANGES TO THE APPOINTING PROCESS FOR THE NORTH CAROLINA STATE BOARD OF OPTICIANS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 864 earlier today and the motion by Senator Purcell to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Purcell, Chair, Senator Bingham and Senator Clodfelter 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 Goss, the Senate adjourns subject to receipt of conference reports, appointment of conferees, ratification of bills, reading of messages from the House of Representatives, and reading of Executive Orders, to meet Thursday, August 2, at 10:30 A.M.

August 1, 2007

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 1, 2007

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. 1743** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ACCEPT ABSENTEE BALLOTS THAT ARRIVE BY FIVE O'CLOCK P.M. ON ELECTION DAY; TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO

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PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE, ENTERING, OR EXITING THE VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; AND TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR SOFTWARE WARRANTIES, and requests conferees.

Speaker Hackney has appointed:

Representative Goodwin, Chair
Representative Stam, and
Representative Ross

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. 726 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE OF LASER HAIR PRACTITIONERS AND LASER HAIR PRACTITIONER INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE CERTIFICATIONS.

Referred to the **Finance Committee**.

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows:

Executive Order Number 121, The North Carolina Film Council is hereby established

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:32 P.M.

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ONE HUNDRED ELEVENTH DAY

Senate Chamber
Thursday, August 2, 2007

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, if in fact this turns out to be the final day of this Legislative Session, reflection by members of the Senate on what has been accomplished will occur miles away from Jones Street and on a day far removed from August 2. My reflection is that this session, unlike any other in my memory, has been characterized by the coexistence of joy and sorrow. Joy in accomplishment, in community, joy in call to service, sorrow in the deaths of Senator Lucas and Senator Holloman and of Sandy Basnight and Susan Malone and others related to the Senate family. We've laughed, we've cried, we've taken a deep breath and moved forward. We have learned that 'not only can joy and sorrow exist together, but each at times can enrich the other. When this happens, when we laugh and cry in the same moment, when we feel both up and down, filled but empty, tested but trusting, we are experiencing the grace of God.' And the Lord said, 'Well done good and faithful servant.' Amen."

The Chair grants leaves of absence for today to Senator Graham and Senator Smith.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, August 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 8, AN ACT TO INCREASE THE "SAFE ZONES" NEAR CHILD CARE CENTERS AND SCHOOL GROUNDS REGARDING ILLEGAL DRUG SALES FROM THREE HUNDRED FEET TO ONE THOUSAND FEET, AND TO EXPAND THE "SAFE ZONE" FOR PUBLIC PARKS TO INCLUDE ALL PUBLIC PARKS, NOT JUST THOSE WITH PLAYGROUNDS, AND TO INCREASE THE DISTANCE OF THOSE SAFE ZONES TO ONE THOUSAND FEET.

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S.B. 103, ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR SPECIAL PLATE AND TO ELIMINATE THE ADDITIONAL FEE FOR THE GOLD STAR SPECIAL PLATE; TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS; TO ELIMINATE THE ADDITIONAL FEE AMOUNT FOR THE BREAST CANCER AWARENESS PLATE; TO INCREASE THE ADDITIONAL FEE FOR THE NC COASTAL FEDERATION PLATE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: PROSTATE CANCER AWARENESS, JUVENILE DIABETES RESEARCH, BREAST CANCER EARLIER DETECTION, BRAIN INJURY AWARENESS, NC TENNIS FOUNDATION, ALS RESEARCH, NATIONAL KIDNEY FOUNDATION, AIDS AWARENESS, HOME CARE AND HOSPICE, AND HOSPICE CARE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ASSIGN A SPECIAL REGISTRATION PLATE FOR THE PRESIDENT OF THE NORTH CAROLINA COMMUNITY COLLEGES SYSTEM; AND TO MAKE TECHNICAL CORRECTIONS IN THE STATUTE CONCERNING ASSIGNMENTS OF SPECIAL REGISTRATION PLATES TO STATE GOVERNMENT OFFICIALS.

S.B. 242, AN ACT TO REFORM THE PROCESS FOR ADMINISTRATIVE AND JUDICIAL REVIEW OF DISPUTED TAX MATTERS.

S.B. 301, AN ACT TO PROVIDE THAT RECORDS OF A CIVIL REVOCATION OF DRIVERS LICENSES SHALL BE EXPUNGED FROM AN INDIVIDUAL'S DRIVING RECORD IF THE UNDERLYING CRIMINAL CHARGE IS EXPUNGED PURSUANT TO ARTICLE 5 OF CHAPTER 15A OF THE GENERAL STATUTES.

S.B. 831, AN ACT STREAMLINING LOCAL GOVERNMENT REGULATION OF WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES AND THE COLLOCATION OF WIRELESS FACILITIES.

S.B. 844, AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO PROVIDE THAT: (1) AN APPLICATION FOR A CONSTRUCTION PERMIT FOR A PRIVATE DRINKING WATER WELL THAT IS TO BE LOCATED ON A SITE ON WHICH A WASTEWATER SYSTEM IS LOCATED MAY BE ACCOMPANIED BY A SITE PLAN RATHER THAN A PLAT; (2) PROOF OF COMPLETION OF ANY REQUIRED PROFESSIONAL

DEVELOPMENT IS REQUIRED FOR RENEWAL OF A WELL CONTRACTOR CERTIFICATE; (3) THE TRANSPLANT OF SEED CLAMS AND SEED OYSTERS OF A CERTAIN SIZE THAT ORIGINATE FROM AN AQUACULTURE OPERATION PERMITTED BY THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES IS LAWFUL; (4) MEMBERS OF THE ADVISORY COMMISSION FOR THE NORTH CAROLINA STATE MUSEUM OF NATURAL SCIENCES SHALL SERVE FOUR-YEAR STAGGERED TERMS; (5) TO EXTEND THE EXEMPTION FOR CERTAIN WELL CONTRACTORS FROM CONTINUING EDUCATION REQUIREMENTS FOR TWO YEARS; (6) DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION; (7) TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; AND (8) TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

S.B. 854, AN ACT AMENDING THE PRIVATE PROTECTIVE SERVICES ACT AND AMENDING THE FIREARMS LAWS AFFECTING ARMED SECURITY GUARDS.

S.B. 1036, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP THE BLUE RIDGE PARKWAY PLATE FOR MOTORCYCLES AND TO ISSUE A SPECIAL REGISTRATION PLATE FOR THE BACK COUNTRY HORSEMEN OF NORTH CAROLINA AND FOR THE MAGGIE VALLEY TROUT FESTIVAL.

S.B. 1196, AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT.

S.B. 1332, AN ACT AUTHORIZING THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES AND AMENDING AND UPDATING CERTAIN OTHER PROVISIONS UNDER THE LAWS REGULATING HEARING AID DEALERS AND FITTERS.

S.B. 1362, AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO CLARIFY THE DEFINITION OF DRY-CLEANING SOLVENT, TO AUTHORIZE THE USE OF FUNDS FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR THE INVESTIGATION OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES REASONABLY BELIEVED TO BE CONTAMINATED BY DRY-CLEANING SOLVENT, TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY A PRIVATE CONTRACTOR RETAINED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, TO MODIFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO POTENTIALLY

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RESPONSIBLE PARTIES, TO AUTHORIZE TEMPORARY RULE MAKING, AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES.

S.B. 1457, AN ACT TO REQUIRE BONDS FOR CONTRACTS ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMISSION CONTRACTORS WHO OPERATE LICENSE PLATE AGENCIES, TO ADD CHARLOTTE TO THE DIVISION OF MOTOR VEHICLES OPERATED REGISTRATION OFFICES, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO HAVE AT LEAST TWO AUTHORIZED ONLINE MOTOR VEHICLE REGISTRATION VENDORS APPROVED FOR CONTRACTING AT ALL TIMES, AND TO AUTHORIZE COMMISSION CONTRACT AGENTS TO CONTRACT WITH ONLINE DEALER REGISTRATION VENDORS.

S.B. 1513, AN ACT TO ALLOW COUNTIES TO PARTICIPATE IN FINANCING IMPROVEMENTS TO PUBLIC STREETS, HIGHWAYS, AND BRIDGES; AND TO ALLOW MUNICIPALITIES THAT RECEIVE AN ALLOCATION OF FUNDS FROM THE HIGHWAY FUND AND THE HIGHWAY TRUST FUND WITH MONIES FOR REPAIR, MAINTENANCE, CONSTRUCTION, RECONSTRUCTION, WIDENING, OR IMPROVING STREETS OF THE MUNICIPALITY AN OPTION TO ELECT TO CONTINUE TO RECEIVE ALLOCATIONS OR HAVE THE ALLOCATION REPROGRAMMED TO FUND ANY PROJECT ON THE DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION IMPROVEMENT LIST.

S.B. 1527, AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS RELATING TO LICENSING OF INSURANCE PRODUCERS AND BAIL BONDSMEN; TO MAKE CHANGES IN THE FEE STRUCTURES FOR AGENTS AND ADJUSTERS; TO AUTHORIZE THE OUTSOURCING OF CERTAIN FUNCTIONS RELATING TO THE ADMINISTRATION OF CONTINUING EDUCATION AND ADMINISTRATIVE PROGRAMS; TO REQUIRE THE DEPARTMENT OF INSURANCE TO STUDY ISSUES RELATED TO LIFE INSURANCE BENEFICIARY NOTIFICATION; TO EXEMPT INSURERS FROM AUTOMATIC RENEWAL DISCLOSURE CLAUSE REQUIREMENTS; TO INSTITUTE A METHOD OF STREAMLINING CERTAIN APPEALS OF DISPUTES BETWEEN LOCAL INSPECTORS AND PERSONS SUBJECT TO THE STATE BUILDING CODE AND TO REQUIRE THE DEPARTMENT OF INSURANCE TO ISSUE ITS DECISION ON THESE LIMITED APPEALS WITHIN TEN BUSINESS DAYS; AND TO MAKE OTHER SUBSTANTIVE CHANGES.

H.B. 206, AN ACT TO DISTINGUISH BETWEEN SPECIAL PLATES ISSUED TO BRONZE STAR RECIPIENTS FOR MERITORIOUS SERVICE OR FOR VALOR IN COMBAT.

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H.B. 573, AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

H.B. 628, AN ACT TO CREATE A UNIFORM CO-PAYMENT SCHEDULE FOR MH/DD/SA SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

H.B. 649, AN ACT AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' REGISTRATION BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE LAWS PERTAINING TO LANDSCAPE CONTRACTORS.

H.B. 779, AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT PAYABLE ON BEHALF OF RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

H.B. 818, AN ACT TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE AND TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF DENTISTRY.

H.B. 1460, AN ACT TO ALLOW THE ATTORNEY GENERAL TO REQUIRE CERTAIN CIGARETTE MANUFACTURERS TO MAKE QUARTERLY ESCROW DEPOSITS, TO TREAT CERTAIN AFFILIATES OF A MANUFACTURER OF OTHER TOBACCO PRODUCTS AS IF THEY WERE THE MANUFACTURER FOR PURPOSES OF ADMINISTRATION OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, AND TO PROVIDE THAT THE PERMISSION GRANTED TO A CIGARETTE MANUFACTURER TO BE RELIEVED OF PAYING THE CIGARETTE EXCISE TAX APPLIES TO ALL TOBACCO PRODUCTS DISTRIBUTED BY THE MANUFACTURER.

H.B. 1551, AN ACT TO ENACT THE STATE GOVERNMENTAL ACCOUNTABILITY AND INTERNAL CONTROL ACT; TO ESTABLISH INTERNAL CONTROL STANDARDS FOR STATE GOVERNMENT; AND TO INCREASE FISCAL ACCOUNTABILITY WITHIN STATE GOVERNMENT.

H.B. 1652, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE AN E-911 TELECOMMUNICATOR SPECIAL REGISTRATION PLATE.

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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. 15, AN ACT TO INCORPORATE THE TOWN OF HAMPSTEAD.

S.B. 16, AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS.

S.B. 384, AN ACT TO AUTHORIZE GRANVILLE COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE DISTRIBUTION FORMULA.

S.B. 489, AN ACT TO MODIFY THE OCCUPANCY TAX OF THE CITY OF LUMBERTON.

S.B. 530, AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT EMITTING DIODE TECHNOLOGIES AND PERMITTING THE CITY OF RALEIGH TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY.

S.B. 616, AN ACT TO ALLOW THE TOWN OF RIVER BEND TO ANNEX AND EXERCISE EXTRATERRITORIAL JURISDICTION AS PROVIDED UNDER GENERAL LAW.

H.B. 429, AN ACT TO AUTHORIZE THE TOWNS OF OCEAN ISLE BEACH, EMERALD ISLE, AND HOLDEN BEACH TO SET CANAL DREDGING FEES BASED ON A PROPERTY OWNER'S FRONTAGE ABUTTING A DREDGING PROJECT, AND TO MODIFY BRUNSWICK COUNTY'S FIRE PROTECTION FEES.

H.B. 849, AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE TOWN OR ON PROPERTY OWNED OR LEASED BY THE TOWN.

H.B. 1013, AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY AN ADDITIONAL ONE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

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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. 749, AN ACT TO IMPLEMENT EFFICIENCIES WITHIN THE UNIVERSITY SYSTEM AND STATE GOVERNMENT AS RECOMMENDED BY THE PRESIDENT'S ADVISORY COMMITTEE ON EFFICIENCY AND EFFECTIVENESS (PACE). (Became law upon approval of the Governor, July 30, 2007 - S.L. 2007-322.)

H.B. 1473, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES. (Became law upon approval of the Governor, July 31, 2007 - S.L. 2007-323.)

H.B. 562, AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS. (Became law upon ratification, July 31, 2007 - S.L. 2007-324.)

H.B. 1415, AN ACT TO PROVIDE THAT A MEMBER OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM SHALL NOT BE DENIED SHORT-TERM DISABILITY BENEFITS DUE TO AN ABSENCE FOR MILITARY SERVICE AND TO AMEND THE LAW PROVIDING LONG-TERM DISABILITY BENEFITS FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM. (Became law upon approval of the Governor, July 31, 2007 - S.L. 2007-325.)

H.B. 956, AN ACT TO MODIFY THE PROVISION THAT PERMITS RETIRED TEACHERS TO RETURN TO THE CLASSROOM WITHOUT A LOSS OF RETIREMENT BENEFITS. (Became law upon approval of the Governor, July 31, 2007 - S.L. 2007-326.)

S.B. 181, AN ACT TO AUTHORIZE THE TOWN OF CLAYTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE AND TO ALLOW THE TOWN OF CLAYTON TO ANNEX BY VOLUNTARY PETITION AREAS THAT ARE MORE THAN THREE MILES FROM THE TOWN'S PRIMARY CORPORATE LIMITS IF THE AREAS ARE CONTIGUOUS TO THE TOWN'S SATELLITE CORPORATE LIMITS. (Became law upon ratification, August 1, 2007 - S.L. 2007-327.)

S.B. 398, AN ACT TO ALLOW THE CITIZENS OF UNION COUNTY TO DETERMINE IF DISTRICT REPRESENTATION SHOULD BE

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IMPLEMENTED FOR THE UNION COUNTY BOARD OF COMMISSIONERS. (Became law upon ratification, August 1, 2007 - S.L. 2007-328.)

S.B. 15, AN ACT TO INCORPORATE THE TOWN OF HAMPSTEAD. (Became law upon ratification, August 2, 2007 - S.L. 2007-329.)

S.B. 16, AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS. (Became law upon ratification, August 2, 2007 - S.L. 2007-330.)

S.B. 384, AN ACT TO AUTHORIZE GRANVILLE COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE DISTRIBUTION FORMULA. (Became law upon ratification, August 2, 2007 - S.L. 2007-331.)

S.B. 489, AN ACT TO MODIFY THE OCCUPANCY TAX OF THE CITY OF LUMBERTON. (Became law upon ratification, August 2, 2007 - S.L. 2007-332.)

S.B. 530, AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT USED AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT EMITTING DIODE TECHNOLOGIES AND PERMITTING THE CITY OF RALEIGH TO LEVY A MOTOR VEHICLE PRIVILEGE TAX OF UP TO TWENTY DOLLARS FOR EACH RESIDENT VEHICLE LOCATED IN THE CITY. (Became law upon ratification, August 2, 2007 - S.L. 2007-333.)

S.B. 616, AN ACT TO ALLOW THE TOWN OF RIVER BEND TO ANNEX AND EXERCISE EXTRATERRITORIAL JURISDICTION AS PROVIDED UNDER GENERAL LAW. (Became law upon ratification, August 2, 2007 - S.L. 2007-334.)

H.B. 429, AN ACT TO AUTHORIZE THE TOWNS OF OCEAN ISLE BEACH, EMERALD ISLE, AND HOLDEN BEACH TO SET CANAL DREDGING FEES BASED ON A PROPERTY OWNER'S FRONTAGE ABUTTING A DREDGING PROJECT, AND TO MODIFY BRUNSWICK COUNTY'S FIRE PROTECTION FEES. (Became law upon ratification, August 2, 2007 - S.L. 2007-335.)

H.B. 849, AN ACT TO AUTHORIZE THE TOWN OF MORRISVILLE TO REGULATE GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE TOWN OR ON PROPERTY OWNED OR LEASED BY THE TOWN. (Became law upon ratification, August 2, 2007 - S.L. 2007-336.)

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H.B. 1013, AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY AN ADDITIONAL ONE PERCENT OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES. (Became law upon ratification, August 2, 2007 - S.L. 2007-337.)

CONFERENCE REPORT

Senator Queen, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 820** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN, re-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 820, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN, Senate Finance Committee Substitute Adopted 7/26/07 Third Edition Engrossed 7/27/07, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 7/26/07 Third Edition Engrossed 7/27/07, and the House concurs in the Senate Finance Committee Substitute as amended:

Delete the entire Senate Finance Committee Substitute and substitute the attached proposed Conference Committee Substitute H820-PCCS-30533-RT-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: 1 August 2007.

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Conferees for the Senate

S/Joe Sam Queen, Chair
 S/Charles W. Albertson
 S/Daniel G. Clodfelter
 S/Fletcher L. Hartsell, Jr.
 S/Richard Stevens

Conferees for the House of Representatives

S/Lucy T. Allen, Chair
 S/Becky Carney
 S/Walter G. Church, Sr.
 S/Mitch Gillespie
 S/Grier Martin
 S/Ruth Samuelson
 S/Cullie M. Tarleton
 S/Ray Warren

The text of the attached Proposed Conference Committee Substitute, H820-PCCS-30533-SB-1 is as follows:

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Environmental Review Commission, with the assistance of the Department of Environment and Natural Resources, shall study the allocation of surface water resources and their availability and maintenance in the State, including issues related to the transfer of water from one river basin to another, the withdrawal of water for consumptive use, and the accuracy and tolerance of equipment used to measure the flow of water transferred from one river basin to another river basin. The Commission shall evaluate the benefits of establishing formal and informal procedures for negotiating transfers of water from one river basin to another. The Commission shall also study and recommend measures to: (i) ensure that the purposes of the Regional Water Supply Planning Act of 1971, as set out in G.S. 162A-21, are fulfilled; (ii) provide for a comprehensive system for regulating surface water withdrawals for consumptive and nonconsumptive uses; (iii) provide for the establishment of a statewide plan for water resources development projects; (iv) provide for adequate resources for the Department so that it may develop and implement a comprehensive approach to water resources management; (v) ensure that all State laws regulating water resources are consistent with and fully integrated into the comprehensive system for regulating surface water withdrawals and the statewide plan for water resources development projects; and (vi) ensure that potential interstate conflicts related to water resources are avoided or minimized. In the conduct of this study, the Environmental Review Commission may employ independent consultants as provided in G.S. 120-32.02 and G.S. 120-70.44. The Environmental Review Commission may submit an interim report to the 2008 Regular Session of the General Assembly and shall

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submit a final report of its findings and recommendations, including any legislative proposals, to the 2009 General Assembly.

SECTION 1.(b) The Division of Water Resources of the Department of Environment and Natural Resources, in consultation with the Environmental Review Commission, shall prepare a revised map entitled "Major River Basins and Sub-basins in North Carolina". The revised map shall be prepared as a recommended replacement for the map referenced in G.S. 143-215.22G. The revised map shall define the extent to which any river basin that encompasses any river that flows from another state into North Carolina or that flows from North Carolina into another state extends into an adjacent state. The Environmental Review Commission shall recommend a revised map and a conforming legislative proposal to amend the definition of "river basin" set out in G.S. 143-215.22G to the 2008 Regular Session of the General Assembly.

SECTION 2. G.S. 143-215.22I is repealed.

SECTION 3. Part 2A of Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-215.22L. Regulation of surface water transfers.

(a) Certificate Required. – No person, without first obtaining a certificate from the Commission, may:

- (1) Initiate a transfer of 2,000,000 gallons of water or more per day from one river basin to another.
- (2) Increase the amount of an existing transfer of water from one river basin to another by twenty-five percent (25%) or more above the average daily amount transferred during the year ending 1 July 1993 if the total transfer including the increase is 2,000,000 gallons or more per day.
- (3) Increase an existing transfer of water from one river basin to another above the amount approved by the Commission in a certificate issued under G.S. 162A-7 prior to 1 July 1993.

(b) Exception. – Notwithstanding the provisions of subsection (a) of this section, a certificate shall not be required to transfer water from one river basin to another up to the full capacity of a facility to transfer water from one basin to another if the facility was in existence or under construction on 1 July 1993.

(c) Notice of Intent to File a Petition. – An applicant shall prepare a notice of intent to file a petition that includes a nontechnical description of the applicant's request and an identification of the proposed water source. Within 90 days after the applicant files a notice of intent to file a petition, the applicant shall hold at least one public meeting in the source river basin upstream from the proposed point of withdrawal, at least one public meeting in the source river basin downstream from the proposed point of withdrawal, and at least one public meeting in the receiving river basin to provide information to interested parties and the public regarding the nature and extent of the proposed transfer and to receive comment on the scope of the environmental documents. Written notice of the public meetings shall be provided at least 30 days before the public

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meetings. At the time the applicant gives notice of the public meetings, the applicant shall request comment on the alternatives and issues that should be addressed in the environmental documents required by this section. The applicant shall accept written comment on the scope of the environmental documents for a minimum of 30 days following the last public meeting. Notice of the public meetings and opportunity to comment on the scope of the environmental documents shall be provided as follows:

- (1) By publishing notice in the North Carolina Register.
- (2) By publishing notice in a newspaper of general circulation in:
 - a. Each county in this State located in whole or in part of the area of the source river basin upstream from the proposed point of withdrawal.
 - b. Each county in an adjacent state located in whole or in part of the area of the source river basin upstream from the proposed point of withdrawal, up to the point of the last impoundment upstream from the point of withdrawal. This sub-subdivision shall not apply if there are no impoundments located in the source river basin upstream from the proposed point of withdrawal.
 - c. Each county in this State or in an adjacent state located in whole or in part of the area of the source river basin downstream from the proposed point of withdrawal.
 - d. Any area in the State in a river basin for which the source river basin has been identified as a future source of water in a local water supply plan prepared pursuant to G.S. 143-355(l).
 - e. Each county in the State located in whole or in part of the receiving river basin.
- (3) By giving notice by first-class mail or electronic mail to each of the following:
 - a. The board of commissioners of each county in this State or the governing body of any county or city that is politically independent of a county in any adjacent state that is located entirely or partially within the source river basin of the proposed transfer.
 - b. The board of commissioners of each county in this State or the governing body of any county or city that is politically independent of a county in any adjacent state that is located entirely or partially within the receiving river basin of the proposed transfer.

- c. The governing body of any public water supply system that withdraws water upstream or downstream from the withdrawal point of the proposed transfer.
- d. If any portion of the source or receiving river basins is located in an adjacent state, all state water management or use agencies, environmental protection agencies, and the office of the governor in each adjacent state upstream or downstream from the withdrawal point of the proposed transfer.
- e. All persons who have registered a water withdrawal or transfer from the proposed source river basin under this Part or under similar law in an adjacent state.
- f. All persons who hold a certificate for a transfer of water from the proposed source river basin under this Part or under similar law in an adjacent state.
- g. All persons who hold a National Pollutant Discharge Elimination System (NPDES) wastewater discharge permit for a discharge of 100,000 gallons per day or more upstream or downstream from the proposed point of withdrawal.
- h. To any other person who submits to the applicant a written request to receive all notices relating to the petition.

(d) Environmental Documents. – The definitions set out in G.S. 113A-9 apply to this section. The Department shall conduct a study of the environmental impacts of any proposed transfer of water for which a certificate is required under this section. The study shall meet all of the requirements set forth in G.S. 113A-4 and rules adopted pursuant to G.S. 113A-4. An environmental assessment shall be prepared for any petition for a certificate under this section. The determination of whether an environmental impact statement shall also be required shall be made in accordance with the provisions of Article 1 of Chapter 113A of the General Statutes; except that an environmental impact statement shall be prepared for every proposed transfer of water from one major river basin to another for which a certificate is required under this section. The applicant who petitions the Commission for a certificate under this section shall pay the cost of special studies necessary to comply with Article 1 of Chapter 113A of the General Statutes. An environmental impact statement prepared pursuant to this subsection shall include all of the following:

- (1) A comprehensive analysis of the impacts that would occur in the source river basin and the receiving river basin if the petition for a certificate is granted.

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(2) An evaluation of alternatives to the proposed interbasin transfer, including water supply sources that do not require an interbasin transfer and use of water conservation measures.

(3) A description of measures to mitigate any adverse impacts that may arise from the proposed interbasin transfer.(e) Public Hearing on the Draft Environmental Document. – The Commission shall hold a public hearing on the draft environmental document for a proposed interbasin transfer after giving at least 30 days' written notice of the hearing in the Environmental Bulletin and as provided in subdivisions (2) and (3) of subsection (c) of this section. The notice shall indicate where a copy of the environmental document can be reviewed and the procedure to be followed by anyone wishing to submit written comments and questions on the environmental document. The Commission shall prepare a record of all comments and written responses to questions posed in writing. The record shall include complete copies of scientific or technical comments related to the potential impact of the interbasin transfer. The Commission shall accept written comment on the draft environmental documents for a minimum of 30 days following the last public hearing.

(f) Determination of Adequacy of Environmental Document. – The Commission shall not act on any petition for an interbasin transfer until the Commission has determined that the environmental document is complete and adequate. A decision on the adequacy of the environmental document is subject to review in a contested case on the decision of the Commission to issue or deny a certificate under this section.

(g) Petition. – An applicant for a certificate shall petition the Commission for the certificate. The petition shall be in writing and shall include all of the following:

- (1) A description of the facilities to be used to transfer the water, including the location and capacity of water intakes, pumps, pipelines, and other facilities.
- (2) A description of all the proposed consumptive and nonconsumptive uses of the water to be transferred.
- (3) A description of the water quality of the source river and receiving river, including information on aquatic habitat for rare, threatened, and endangered species; in-stream flow data for segments of the source and receiving rivers that may be affected by the transfer; and any waters that are impaired pursuant to section 303(d) of the federal Clean Water Act (33 U.S.C. § 1313(d)).
- (4) A description of the water conservation measures used by the applicant at the time of the petition and any additional water conservation measures that the applicant will implement if the certificate is granted.
- (5) A description of all sources of water within the receiving river basin, including surface water impoundments,

groundwater wells, reinjection storage, and purchase of water from another source within the river basin, that is a practicable alternative to the proposed transfer that would meet the applicant's water supply needs. The description of water sources shall include sources available at the time of the petition for a certificate and any planned or potential water sources.

- (6) A description of water transfers and withdrawals registered under G.S. 143-215.22H or included in a local water supply plan prepared pursuant to G.S. 143-355(l) from the source river basin, including transfers and withdrawals at the time of the petition for a certificate and any planned or reasonably foreseeable transfers or withdrawals by a public water system with service area located within the source river basin.
- (7) A demonstration that the proposed transfer, if added to all other transfers and withdrawals required to be registered under G.S. 143-215.22H or included in any local water supply plan prepared by a public water system with service area located within the source basin pursuant to G.S. 143-355(l) from the source river basin at the time of the petition for a certificate, would not reduce the amount of water available for use in the source river basin to a degree that would impair existing uses, pursuant to the antidegradation policy set out in 40 Code of Federal Regulation § 131.12 (Antidegradation Policy) (1 July 2006 Edition) and the statewide antidegradation policy adopted pursuant thereto, or existing and planned consumptive and nonconsumptive uses of the water in the source river basin. If the proposed transfer would impact a reservoir within the source river basin, the demonstration must include a finding that the transfer would not result in a water level in the reservoir that is inadequate to support existing uses of the reservoir, including recreational uses.
- (8) The applicant's future water supply needs and the present and reasonably foreseeable future water supply needs for public water systems with service area located within the source river basin. The analysis of future water supply needs shall include agricultural, recreational, and industrial uses, and electric power generation. Local water supply plans prepared pursuant to G.S. 143-355(l) for water systems with service area located within the source river basin shall be used to evaluate the projected future water needs in the source river basin that will be met by public water systems.

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- (9) The applicant's water supply plan prepared pursuant to G.S. 143-355(l). If the applicant's water supply plan is more than two years old at the time of the petition, then the applicant shall include with the petition an updated water supply plan.
- (10) Any other information deemed necessary by the Commission for review of the proposed water transfer.

(h) Settlement Discussions. – Upon the request of the applicant, any interested party, or the Department, or upon its own motion, the Commission may appoint a mediation officer. The mediation officer may be a member of the Commission, an employee of the Department, or a neutral third party but shall not be a hearing officer under subsections (e) or (j) of this section. The mediation officer shall make a reasonable effort to initiate settlement discussions between the applicant and all other interested parties. Evidence of statements made and conduct that occurs in a settlement discussion conducted under this subsection, whether attributable to a party, a mediation officer, or other person shall not be subject to discovery and shall be inadmissible in any subsequent proceeding on the petition for a certificate. The Commission may adopt rules to govern the conduct of the mediation process.

(i) Draft Determination. – Within 90 days after the Commission determines that the environmental document prepared in accordance with subsection (d) of this section is adequate or the applicant submits its petition for a certificate, whichever occurs later, the Commission shall issue a draft determination on whether to grant the certificate. The draft determination shall be based on the criteria set out in this section and shall include the conditions and limitations, findings of fact, and conclusions of law that would be required in a final determination. Notice of the draft determination shall be given as provided in subsection (c) of this section.

(j) Public Hearing on the Draft Determination. – Within 60 days of the issuance of the draft determination as provided in subsection (i) of this section, the Commission shall hold public hearings on the draft determination. At least one hearing shall be held in the affected area of the source river basin, and at least one hearing shall be held in the affected area of the receiving river basin. In determining whether more than one public hearing should be held within either the source or receiving river basins, the Commission shall consider the differing or conflicting interests that may exist within the river basins, including the interests of both upstream and downstream parties potentially affected by the proposed transfer. The public hearings shall be conducted by one or more hearing officers appointed by the Chair of the Commission. The hearing officers may be members of the Commission or employees of the Department. The Commission shall give at least 30 days' written notice of the public hearing as provided in subsection (c) of this section. The Commission shall accept written comment on the draft determination for a minimum of 30 days following the last public hearing. The Commission shall prepare a record of all comments and written responses to questions posed in writing. The record shall include complete copies of scientific or technical comments related to the potential impact of the interbasin transfer.

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(k) Final Determination: Factors to be Considered. – In determining whether a certificate may be issued for the transfer, the Commission shall specifically consider each of the following items and state in writing its findings of fact and conclusions of law with regard to each item:

- (1) The necessity and reasonableness of the amount of surface water proposed to be transferred and its proposed uses.
- (2) The present and reasonably foreseeable future detrimental effects on the source river basin, including present and future effects on public, industrial, economic, recreational, and agricultural water supply needs, wastewater assimilation, water quality, fish and wildlife habitat, electric power generation, navigation, and recreation. Local water supply plans for public water systems with service area located within the source river basin prepared pursuant to G.S. 143-355(l) shall be used to evaluate the projected future water needs in the source river basin that will be met by public water systems. Information on projected future water needs for public water systems with service area located within the source river basin that is more recent than the local water supply plans may be used if the Commission finds the information to be reliable. The determination shall include a specific finding as to measures that are necessary or advisable to mitigate or avoid detrimental impacts on the source river basin.
- (3) The cumulative effect on the source major river basin of any water transfer or consumptive water use that, at the time the Commission considers the petition for a certificate is occurring, is authorized under this section, or is projected in any local water supply plan for public water systems with service area located within the source river basin that has been submitted to the Department in accordance with G.S. 143-355(l).
- (4) The present and reasonably foreseeable future beneficial and detrimental effects on the receiving river basin, including present and future effects on public, industrial, economic, recreational, and agricultural water supply needs, wastewater assimilation, water quality, fish and wildlife habitat, electric power generation, navigation, and recreation. Local water supply plans prepared pursuant to G.S. 143-355(l) that affect the receiving river basin shall be used to evaluate the projected future water needs in the receiving river basin that will be met by public water systems. Information on projected future water needs that is more recent than the local water

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supply plans may be used if the Commission finds the information to be reliable. The determination shall include a specific finding as to measures that are necessary or advisable to mitigate or avoid detrimental impacts on the receiving river basin.

- (5) The availability of reasonable alternatives to the proposed transfer, including the potential capacity of alternative sources of water, the potential of each alternative to reduce the amount of or avoid the proposed transfer, probable costs, and environmental impacts. In considering alternatives, the Commission is not limited to consideration of alternatives that have been proposed, studied, or considered by the applicant. The determination shall include a specific finding as to why the applicant's need for water cannot be satisfied by alternatives within the receiving basin, including unused capacity under a transfer for which a certificate is in effect or that is otherwise authorized by law at the time the applicant submits the petition. The determination shall consider the extent to which access to potential sources of surface water or groundwater within the receiving river basin is no longer available due to depletion, contamination, or the declaration of a capacity use area under Part 2 of Article 21 of Chapter 143 of the General Statutes. The determination shall consider the feasibility of the applicant's purchase of water from other water suppliers within the receiving basin and of the transfer of water from another sub-basin within the receiving major river basin. Except in circumstances of technical or economic infeasibility or adverse environmental impact, the Commission's determination as to reasonable alternatives shall give preference to alternatives that would involve a transfer from one sub-basin to another within the major receiving river basin over alternatives that would involve a transfer from one major river basin to another major river basin.
- (6) If applicable to the proposed project, the applicant's present and proposed use of impoundment storage capacity to store water during high-flow periods for use during low-flow periods and the applicant's right of withdrawal under G.S. 143-215.44 through G.S. 143-215.50.
- (7) If the water to be withdrawn or transferred is stored in a multipurpose reservoir constructed by the United States Army Corps of Engineers, the purposes and water storage allocations established for the reservoir at the time the reservoir was authorized by the Congress of the United States.

- (8) Whether the service area of the applicant is located in both the source river basin and the receiving river basin.
- (9) Any other facts and circumstances that are reasonably necessary to carry out the purposes of this Part.

(l) Final Determination: Information to be Considered. – In determining whether a certificate may be issued for the transfer, the Commission shall consider all of the following sources of information:

- (1) The petition.
- (2) The environmental document prepared pursuant to subsection (d) of this section.
- (3) All oral and written comment and all accompanying materials or evidence submitted pursuant to subsections (e) and (j) of this section.
- (4) Information developed by or available to the Department on the water quality of the source river basin and the receiving river basin, including waters that are identified as impaired pursuant to section 303(d) of the federal Clean Water Act (33 U.S.C. § 1313(d)), that are subject to a total maximum daily load (TMDL) limit under subsections (d) and (e) of section 303 of the federal Clean Water Act, or that would have their assimilative capacity impaired if the certificate is issued.
- (5) Any other information that the Commission determines to be relevant and useful.

(m) Final Determination: Burden and Standard of Proof; Specific Findings. – The Commission shall grant a certificate for a water transfer if the Commission finds that the applicant has established by a preponderance of the evidence all of the following:

- (1) The benefits of the proposed transfer outweigh the detriments of the proposed transfer. In making this determination, the Commission shall be guided by the approved environmental document and the policy set out in subsection (t) of this section.
- (2) The detriments have been or will be mitigated to the maximum degree practicable.
- (3) The amount of the transfer does not exceed the amount of the projected shortfall under the applicant's water supply plan after first taking into account all other sources of water that are available to the applicant.
- (4) There are no reasonable alternatives to the proposed transfer.

(n) Final Determination: Certificate Conditions and Limitations. – The Commission may grant the certificate in whole or in part, or deny the certificate. The Commission may impose any conditions or limitations on a certificate that the Commission finds necessary to achieve the purposes of this Part including a limit on the period for which the certificate is valid. The conditions and

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limitations shall include any mitigation measures proposed by the applicant to minimize any detrimental effects within the source and receiving river basins. In addition, the certificate shall require all of the following conditions and limitations:

- (1) A water conservation plan that specifies the water conservation measures that will be implemented by the applicant in the receiving river basin to ensure the efficient use of the transferred water. Except in circumstances of technical or economic infeasibility or adverse environmental impact, the water conservation plan shall provide for the mandatory implementation of water conservation measures by the applicant that equal or exceed the most stringent water conservation plan implemented by a community water system, as defined in G.S. 143-355(1), that withdraws water from the source river basin.
- (2) A drought management plan that specifies how the transfer shall be managed to protect the source river basin during drought conditions or other emergencies that occur within the source river basin. Except in circumstances of technical or economic infeasibility or adverse environmental impact, this drought management plan shall include mandatory reductions in the permitted amount of the transfer based on the severity and duration of a drought occurring within the source river basin and shall provide for the mandatory implementation of a drought management plan by the applicant that equals or exceeds the most stringent water conservation plan implemented by a community water system, as defined in G.S. 143-355(1), that withdraws water from the source river basin.
- (3) The maximum amount of water that may be transferred on a daily basis, and methods or devices required to be installed and operated that measure the amount of water that is transferred.
- (4) A provision that the Commission may amend a certificate to reduce the maximum amount of water authorized to be transferred whenever it appears that an alternative source of water is available to the certificate holder from within the receiving river basin, including, but not limited to, the purchase of water from another water supplier within the receiving basin or to the transfer of water from another sub-basin within the receiving major river basin.
- (5) A provision that the Commission shall amend the certificate to reduce the maximum amount of water authorized to be transferred if the Commission finds that

the applicant's current projected water needs are significantly less than the applicant's projected water needs at the time the certificate was granted.

- (6) A requirement that the certificate holder report the quantity of water transferred during each calendar quarter. The report required by this subdivision shall be submitted to the Commission no later than 30 days after the end of the quarter.
- (7) Except as provided in this subdivision, a provision that the applicant will not resell the water that would be transferred pursuant to the certificate to another public water supply system. This limitation shall not apply in the case of a proposed resale or transfer among public water supply systems within the receiving river basin as part of an interlocal agreement or other regional water supply arrangement, provided that each participant in the interlocal agreement or regional water supply arrangement is a co-applicant for the certificate and will be subject to all the terms, conditions, and limitations made applicable to any lead or primary applicant.

(o) Administrative and Judicial Review. – Administrative and judicial review of a final decision by the Commission on a petition for a certificate under this section shall be governed by Chapter 150B of the General Statutes.

(p) Certain Preexisting Transfers. – In cases where an applicant requests approval to increase a transfer that existed on 1 July 1993, the Commission may approve or disapprove only the amount of the increase. If the Commission approves the increase, the certificate shall be issued for the amount of the preexisting transfer plus any increase approved by the Commission. A certificate for a transfer approved by the Commission under G.S. 162A-7 shall remain in effect as approved by the Commission and shall have the same effect as a certificate issued under this Part. A certificate for the increase of a preexisting transfer shall contain all of the conditions and limitations required by subsection (m) of this section.

(q) Emergency Transfers. – In the case of water supply problems caused by drought, a pollution incident, temporary failure of a water plant, or any other temporary condition in which the public health, safety, or welfare requires a transfer of water, the Secretary of Environment and Natural Resources may grant approval for a temporary transfer. Prior to approving a temporary transfer, the Secretary shall consult with those parties listed in subdivision (3) of subsection (c) of this section that are likely to be affected by the proposed transfer. However, the Secretary shall not be required to satisfy the public notice requirements of this section or make written findings of fact and conclusions of law in approving a temporary transfer under this subsection. If the Secretary approves a temporary transfer under this subsection, the Secretary shall specify conditions to protect other water users. A temporary transfer shall not exceed six months in duration, but the approval may be renewed for a period of six months by the Secretary based on demonstrated need as set forth in this subsection.

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(r) Relationship to Federal Law. – The substantive restrictions, conditions, and limitations upon surface water transfers authorized in this section may be imposed pursuant to any federal law that permits the State to certify, restrict, or condition any new or continuing transfers or related activities licensed, relicensed, or otherwise authorized by the federal government. This section shall govern the transfer of water from one river basin to another unless preempted by federal law.

(s) Planning Requirements. – When any transfer for which a certificate was issued under this section equals or exceeds eighty percent (80%) of the maximum amount authorized in the certificate, the applicant shall submit to the Department a detailed plan that specifies how the applicant intends to address future foreseeable water needs. If the applicant is required to have a local water supply plan, then this plan shall be an amendment to the local water supply plan required by G.S.143-355(l). When the transfer equals or exceeds ninety percent (90%) of the maximum amount authorized in the certificate, the applicant shall begin implementation of the plan submitted to the Department.

(t) Statement of Policy. – It is the public policy of the State to maintain, protect, and enhance water quality within North Carolina. It is the public policy of this State that the reasonably foreseeable future water needs of a public water system with its service area located primarily in the receiving river basin are subordinate to the reasonably foreseeable future water needs of a public water system with its service area located primarily in the source river basin. Further, it is the public policy of the State that the cumulative impact of transfers from a source river basin shall not result in a violation of the antidegradation policy set out in 40 Code of Federal Regulations § 131.12 (1 July 2006 Edition) and the statewide antidegradation policy adopted pursuant thereto.

(u) Renewal of Certificate. – A petition to extend or renew a certificate shall be treated as a new petition."

SECTION 4. G.S. 113A-8.1 reads as rewritten:

"§ 113A-8.1. Surface water transfers.

An environmental assessment shall be prepared for any transfer for which a petition is filed in accordance with ~~G.S. 143-215.22I~~G.S. 143-215.22L. The determination of whether an environmental impact statement is needed with regard to the proposed transfer shall be made in accordance with the provisions of this Article."

SECTION 5. G.S. 143-215.6A(a)(9) reads as rewritten:

"(9) Is required, but fails, to apply for or to secure a certificate required by ~~G.S. 143-215.22I~~G.S. 143-215.22L, or who violates or fails to act in accordance with the terms, conditions, or requirements of the certificate."

SECTION 6. If any section or provision of this act is declared unconstitutional or invalid by the courts, the unconstitutional or invalid section or provision does not affect the validity of this act as a whole or any part of this act other than the part declared to be unconstitutional or invalid.

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SECTION 7.(a) Except as provided in subsection (b) of this section, this act becomes effective when it becomes law and applies to any petition for a certificate for a transfer of surface water from one river basin to another river basin first made on or after that date.

SECTION 7.(b) For a petition for a certificate for transfer of surface water from one river basin to another river basin to supplement ground water supplies in the fifteen counties designated as the Central Coastal Plain Capacity Use Area under 15A NCAC 2E .0501, this act becomes effective 1 January 2011. Prior to 1 January 2011, a petition for a certificate for transfer of surface water from one river basin to another river basin to supplement ground water supplies in the fifteen counties designated as the Central Coastal Plain Capacity Use Area shall be considered and acted upon by the Environmental Management Commission pursuant to the procedures and standards set out in G.S. 143-215.22I on 1 July 2007.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

DISMISSAL OF CONFEREES

S.B. 864 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS; TO AMEND THE PERFUSIONIST LICENSURE ACT, AND TO MAKE CHANGES TO THE APPOINTING PROCESS FOR THE NORTH CAROLINA STATE BOARD OF OPTICIANS.

Senator Rand announces that the Senate Conferees appointed on Wednesday, August 1, to resolve the differences in the House Committee Substitute bill are hereby dismissed.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on the Calendar for immediate consideration for concurrence.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (45-0).

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 546 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE

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TOWN OF MOUNT PLEASANT, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---46.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 629 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO SULLIVAN ACT III, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

S.B. 1309 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO PROPERTY TAX VALUATION OF LOW AND MODERATE INCOME HOUSING, TO REDUCE THE DISCREPANCY BETWEEN THE PROPERTY TAX VALUE OF PROPERTY AND ITS MARKET VALUE AND TO TREAT MOBILE HOMES THE SAME AS OTHER HOMES WITH RESPECT TO PROPERTY TAX LEINS, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passed its third reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Boseman, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell and Weinstein---42.

Voting in the negative: Senators Blake, Brock, East, Hunt and Tillman---5.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message.

H.B. 1688 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CREATE A LIMITED REGISTRATION PLATE, TO EXEMPT MOTOR VEHICLES REGISTERED UNDER THE INTERNATIONAL REGISTRATION PLAN FROM THE COMBINED REGISTRATION AND PROPERTY TAX SYSTEM, TO PROVIDE THAT INTEREST GENERATED BY FUNDS IN

THE COMBINED MOTOR VEHICLE AND REGISTRATION ACCOUNT BE CREDITED TO THE ACCOUNT, TO AUTHORIZE THE OFFICE OF STATE BUDGET AND MANAGEMENT TO DIRECT THE TREASURER TO DISTRIBUTE THE FUNDS IN THE ACCOUNT TO IMPLEMENT THE INTEGRATED COMPUTER SYSTEM, TO DISTRIBUTE ANY REMAINING FUNDS IN THE ACCOUNT TO THE LOCAL GOVERNMENTS, AND TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM, 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 Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriester, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

H.B. 1595 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS IN THE LOCAL DEVELOPMENT ACT, TO CLARIFY URBAN PROGRESS ZONES AND AGRARIAN GROWTH ZONES, TO ALLOW MORE THAN ONE AGRARIAN GROWTH ZONE IN A COUNTY, TO CLARIFY WHEN THE LAST REPORT IS DUE FOR THE REPEALED LEE ACT CREDITS, TO MAKE TECHNICAL CHANGES CONCERNING THE TAX CREDITS FOR GROWING BUSINESSES; TO PROVIDE FOR PUBLICATION, MONITORING, AND REPORTING ON ECONOMIC DEVELOPMENT INCENTIVE CLAWBACKS; AND TO REQUIRE CLAWBACK PROVISIONS IN LOCAL ECONOMIC DEVELOPMENT AGREEMENTS.

Senator Clodfelter offers Amendment No. 1 which is adopted (48-0).

Upon adoption of Amendment No. 1, the roll-call provision in the Senate Committee Substitute bill is deleted.

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1366 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT.

The Senate Committee Substitute bill passes its third reading (40-8) and is ordered sent to the House of Representatives by special message for concurrence.

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H.B. 1517 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; AND TO APPROPRIATE FUNDS TO FINANCE THE PROGRAM.

Senator Bingham announces a pair vote. If Senator Graham were present, he would vote "aye"; Senator Bingham votes "no".

The Committee Substitute bill No. 2 passes its third reading (28-19) and is ordered enrolled and sent to the Governor by special message.

S.B. 3 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS), (2) ALLOW RECOVERY OF CERTAIN NONFUEL UTILITY COSTS THROUGH THE FUEL CHARGE ADJUSTMENT PROCEDURE, (3) PROVIDE FOR ONGOING REVIEW OF CONSTRUCTION COSTS AND FOR RECOVERY OF COSTS IN RATES IN A GENERAL RATE CASE, (4) ADJUST THE PUBLIC UTILITY AND ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEES, (5) PROVIDE FOR THE PHASEOUT OF THE TAX ON THE SALE OF ENERGY TO NORTH CAROLINA FARMERS AND MANUFACTURERS, AND (6) ALLOW A TAX CREDIT TO CONTRIBUTORS TO 501(C)(3) ORGANIZATIONS FOR RENEWABLE ENERGY PROPERTY, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill No. 2 on its third reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---47.

Voting in the negative: Senator Kinnaird---1.

The House Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor by special message.

S.B. 540 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS, MOTOR FUELS TAX LAWS, AND RELATED STATUTES, for concurrence in the House Committee Substitute bill, upon third reading.

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Upon motion of Senator Hartsell, the Senate concurs 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman 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. 580 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCAL GOVERNMENT POST-EMPLOYMENT BENEFITS FUND UNDER THE MANAGEMENT OF THE STATE TREASURER, TO ESTABLISH THE LOCAL GOVERNMENT LAW ENFORCEMENT SPECIAL SEPARATION ALLOWANCE BENEFITS FUND UNDER THE MANAGEMENT OF THE STATE TREASURER, TO AUTHORIZE THE TREASURER TO MAKE EQUITY INVESTMENTS FROM THE FUND TO THE SAME EXTENT ALLOWED FOR CERTAIN INVESTMENTS FROM THE STATE RETIREMENT SYSTEM, TO ALLOW LOCAL ENTITIES TO ESTABLISH OTHER IRREVOCABLE TRUSTS TO FUND POST-EMPLOYMENT BENEFITS, AND TO ALLOW LOCAL GOVERNMENTS TO ESTABLISH OTHER IRREVOCABLE TRUSTS TO FUND LAW ENFORCEMENT SPECIAL SEPARATION ALLOWANCE BENEFITS, upon third reading.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill No. 2 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, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hagan, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Tillman and Weinstein---48.

Voting in the negative: None.

The House Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor by special message.

S.B. 1492 (Conference Report), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT

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OF ENVIRONMENT AND NATURAL RESOURCES; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR

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FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.

Upon motion of Senator Albertson, the Chair orders, without objection, the Conference Report temporarily displaced.

H.B. 671 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD, for adoption.

Upon motion of Senator Stevens, the Senate adopts the Conference Report (48-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 229, AN ACT TO DETERMINE THE RESIDENCY STATUS OF PERSONS JAILED ON FELONY OR DRIVING WHILE IMPAIRED CHARGES.

S.B. 581, AN ACT TO ALLOW COUNTIES AND CITIES TO PROVIDE BUILDING PERMIT FEE REDUCTIONS OR PARTIAL REBATES TO ENCOURAGE CONSTRUCTION OF BUILDINGS USING SUSTAINABLE DESIGN PRINCIPLES TO ACHIEVE ENERGY EFFICIENCY.

S.B. 1152, AN ACT TO REQUIRE COUNTIES AND CITIES TO PAY INTEREST ON ILLEGALLY EXACTED TAXES, FEES, OR MONETARY CONTRIBUTIONS FOR DEVELOPMENT THAT ARE NOT SPECIFICALLY AUTHORIZED BY LAW.

S.B. 1270, AN ACT TO AMEND VARIOUS LARCENY STATUTES AND TO CREATE THE CRIMINAL OFFENSES OF ORGANIZED RETAIL THEFT.

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S.B. 1272, AN ACT TO EXEMPT BIODIESEL THAT IS PRODUCED BY AN INDIVIDUAL FOR PERSONAL USE IN A PRIVATE PASSENGER VEHICLE FROM THE MOTOR FUEL EXCISE TAX.

S.B. 1485, AN ACT AMENDING EDUCATION REQUIREMENTS FOR REAL ESTATE APPRAISERS UNDER THE NORTH CAROLINA APPRAISERS ACT, ELIMINATING THE CATEGORY OF LICENSED RESIDENTIAL REAL ESTATE APPRAISER, AND AUTHORIZING THE NORTH CAROLINA APPRAISAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES.

S.B. 1517, AN ACT TO REQUIRE THE CONSPICUOUS DISCLOSURE OF ANY MAINTENANCE FEES CHARGED FOR GIFT CARDS AND TO PROHIBIT ISSUERS OF GIFT CARDS FROM CHARGING MAINTENANCE FEES FOR ONE YEAR AFTER THE DATE OF PURCHASE.

H.B. 777, AN ACT TO MAKE TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

H.B. 1395, AN ACT TO AUTHORIZE THE UTILITIES COMMISSION TO CONSIDER DIFFERENCES BETWEEN ELECTRIC MEMBERSHIP CORPORATIONS AND CITIES NOT RESOLVED PURSUANT TO G.S. 160A-331.2(B), AS ENACTED BY S.L. 2005-150.

H.B. 1828, AN ACT TO STRENGTHEN THE MATCHING FUNDS PROVISION OF THE JUDICIAL PUBLIC CAMPAIGN ACT; AND TO APPROPRIATE FUNDS FOR IMPLEMENTATION.

H.B. 1829, AN ACT AUTHORIZING THE NORTH CAROLINA MANUFACTURED HOUSING BOARD TO USE ALTERNATIVE METHODS FOR CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE UNDER THE LAWS REGULATING MANUFACTURED HOMES.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 6 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) CLARIFY THE APPLICATION OF CERTAIN SETBACK REQUIREMENTS FOR DISPOSAL UNITS OF SANITARY LANDFILLS; (2)

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REVISE THE DISTRIBUTION OF THE PROCEEDS OF THE SOLID WASTE DISPOSAL TAX; AND (3) PROVIDE REIMBURSEMENT OF CERTAIN COSTS INCURRED IN CONNECTION WITH APPLICATIONS FOR PERMITS FOR SANITARY LANDFILLS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on the Calendar for immediate consideration.

Without objection, Senator Brunstetter and Senator Hartsell request to be excused from voting on the House Committee Substitute bill due to a conflict of interest.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (40-4) and the bill is ordered enrolled and sent to the Governor by special message.

CALENDAR *(continued)*

S.B. 1492 (Conference Report), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL

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REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, temporarily displaced earlier today for adoption, upon third reading.

Upon motion of Senator Albertson, the Senate adopts the Conference Report on its third reading, by roll-call vote, ayes 28, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Bingham, Boseman, Clodfelter, Cowell, Dalton, Dannelly, Dorsett, Foriest, Garrou, Goss, Hagan, Jenkins, Jones, Kerr, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles and Weinstein---28.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin, Pittenger, Preston, Stevens and Tillman---15.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 820 (Conference Report), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN, placed earlier on today's Calendar for adoption.

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Upon motion of Senator Queen, 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.

PERSONAL PRIVILEGE

Upon motion of Senator Soles, the remarks of Senator Albertson are spread upon the Journal as follows:

Senator Albertson:

“Madame President and members of the Senate, you will recall yesterday when we had all those wonderful teachers in the Chamber who had taught over fifty years, I couldn’t help but notice that at the end of the remarks one of our good members, Senator Soles, got up and congratulated the lady from his district in Tabor City. I believe I heard him say that at the end of this term, he will have served forty years as a member of this great Body. R. C. Soles is someone that I have watched in the years that I have been here and I truly consider him a great friend and a great member of this Body. I continue to learn good things from him every session and I wrote this little thing about him and I want you to listen to it. Marc, Tony, will you guys listen please. I wrote this little song here about our good friend, R. C. Soles, someone that I have come to love and admire and appreciate in so many ways and it goes like this: ‘He is the Dean of the North Carolina Senate, the best committee chairman of all. We call him the Godfather. He is loved and respected by all. Twenty times he has been elected. He is loyal, faithful and true. Forty years of service will be a record my friend. Senator Soles, we are all so proud of you.’ You are a wonderful man and congratulations to you.”

Senator Soles:

“Senator Albertson, I appreciate that more than you will ever know. I really don’t know how to respond except with tongue in cheek, I would like the words to be spread upon the minutes.”

The Chair grants a leave of absence for the remainder of today's session to Senator Dalton.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 646 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX RELIEF FOR WORKING

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WATERFRONT PROPERTY, TO ESTABLISH THE ADVISORY COMMITTEE FOR THE COORDINATION OF WATERFRONT ACCESS, TO MAKE EXPANDED PUBLIC ACCESS TO COASTAL WATERS A PRIORITY IN PLANNING STATE ROAD PROJECTS, TO INCREASE FEES FOR VESSEL TITLING, TO WAIVE PERMIT FEES FOR EMERGENCY COASTAL AREA MANAGEMENT ACT PERMITS, AND TO DIRECT A STUDY OF CONSTRUCTION AND REPAIR IN REGULATED FLOOD ZONES, AS RECOMMENDED BY THE WATERFRONT ACCESS STUDY COMMITTEE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on today's Calendar.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 1556**, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, and requests conferees.

Speaker Hackney has appointed:

Representative Owens, Chair
Representative Hill
Representative Brubaker, and
Representative Blue

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 1304** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE USE OF REMAINING END-OF-YEAR TUITION ASSISTANCE PROGRAM FUNDS FOR REPAYMENT OF OUTSTANDING ELIGIBLE STUDENT LOANS FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD, and requests conferees.

Speaker Hackney has appointed:

Representative Lucas, Chair
Representative Martin
Representative Tillis
Representative Pate
Representative Killian, and
Representative Bryant

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 671** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CHANGE THE

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PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD.

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

CALENDAR *(continued)*

S.B. 646 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX RELIEF FOR WORKING WATERFRONT PROPERTY, TO ESTABLISH THE ADVISORY COMMITTEE FOR THE COORDINATION OF WATERFRONT ACCESS, TO MAKE EXPANDED PUBLIC ACCESS TO COASTAL WATERS A PRIORITY IN PLANNING STATE ROAD PROJECTS, TO INCREASE FEES FOR VESSEL TITLING, TO WAIVE PERMIT FEES FOR EMERGENCY COASTAL AREA MANAGEMENT ACT PERMITS, AND TO DIRECT A STUDY OF CONSTRUCTION AND REPAIR IN REGULATED FLOOD ZONES, AS RECOMMENDED BY THE WATERFRONT ACCESS STUDY COMMITTEE, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (45-0).

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1556 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE.

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. 1556 and requests conferees, Senator Dannelly, Deputy President *Pro*

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Tempore, announces the appointment of Senator Rand, Chair, 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.

The Senate recesses at 11:48 A.M. to reconvene at 2:00 P.M. subject to receipt of messages from the House of Representatives, receipt of conference reports, receipt of committee reports, ratification of bills and appointment of conferees.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 6, AN ACT TO (1) CLARIFY THE APPLICATION OF CERTAIN SETBACK REQUIREMENTS FOR DISPOSAL UNITS OF SANITARY LANDFILLS; (2) REVISE THE DISTRIBUTION OF THE PROCEEDS OF THE SOLID WASTE DISPOSAL TAX; AND (3) PROVIDE REIMBURSEMENT OF CERTAIN COSTS INCURRED IN CONNECTION WITH APPLICATIONS FOR PERMITS FOR SANITARY LANDFILLS.

H.B. 22, AN ACT TO INCREASE THE STATE TORT CLAIM LIMIT.

H.B. 265, AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL.

H.B. 267, AN ACT TO ALLOW THE ISSUANCE OF OFF-PREMISES MALT BEVERAGE AND UNFORTIFIED WINE PERMITS TO INCORPORATED MUNICIPALITIES AFTER AN ELECTION ALLOWING THE SALE OF MIXED BEVERAGES, TO AMEND THE LAW CONCERNING THE JANUARY 1, 2008, REQUIREMENT FOR CERTAIN ABC PERMITTEES TO RECYCLE BEVERAGE CONTAINERS, AND TO AUTHORIZE WINEMAKING ON PREMISES BY AN UNFORTIFIED WINERY PERMIT HOLDER.

H.B. 1381, AN ACT AUTHORIZING THE NORTH CAROLINA RESPIRATORY CARE BOARD TO RAISE THE CEILING ON CERTAIN

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LICENSURE FEES AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES.

H.B. 1401, AN ACT TO ENACT THE NORTH CAROLINA INTERNAL AUDIT ACT.

H.B. 1607, AN ACT RECOGNIZING JUNETEENTH NATIONAL FREEDOM DAY IN NORTH CAROLINA.

H.B. 1738, AN ACT TO ESTABLISH THE ADVISORY COMMISSION ON HOSPITAL INFECTION CONTROL AND DISCLOSURE.

H.B. 1785, AN ACT TO REQUIRE CIGARETTE FIRE SAFETY BY ADOPTING A CIGARETTE FIRE-SAFETY STANDARD AND TO CLARIFY THE STOCKHOLDER REQUIREMENTS FOR A BEHAVIORAL HEALTH PROFESSIONAL CORPORATION.

H.B. 1786, AN ACT TO DEFINE AND REGULATE MIXED MARTIAL ARTS, AND TO AUTHORIZE THE ALCOHOL LAW ENFORCEMENT DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO ESTABLISH AND RAISE CERTAIN FEES.

H.B. 1817, AN ACT TO PROTECT CONSUMERS REGARDING COVERED LOANS AND TO INCREASE THE COMMISSIONER'S DISCIPLINARY AUTHORITY OVER LICENSEES UNDER THE MORTGAGE LENDING ACT.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 604, AN ACT TO CAP THE AD VALOREM TAX RATE OF THE TOWN OF WENTWORTH.

S.B. 609, AN ACT TO ALLOW CHATHAM COUNTY TO USE RECREATION FUNDS RECEIVED FROM SUBDIVISION DEVELOPERS TO CONSTRUCT AND ACQUIRE RECREATIONAL FACILITIES IN CHATHAM COUNTY.

H.B. 1027, AN ACT TO INCREASE THE OCCUPANCY TAX FOR THE TOWN OF JONESVILLE, TO AUTHORIZE YADKIN COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY, AND TO AUTHORIZE THE TOWN OF YADKINVILLE TO LEVY AN OCCUPANCY TAX.

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H.B. 1228, AN ACT TO PROVIDE FOR AN INCREASE IN THE PENALTY SET FOR A RED LIGHT VIOLATION DETECTED BY A CAMERA; TO REQUIRE THAT THE CLEAR PROCEEDS OF EACH PENALTY COLLECTED BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; TO DEFINE WHAT AMOUNTS MAY BE DEDUCTED FROM EACH PENALTY BY A MUNICIPALITY TO ARRIVE AT THE AMOUNT OF CLEAR PROCEEDS FROM EACH CIVIL PENALTY THAT MUST BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; AND TO PERMIT A COLLECTION ASSISTANCE FEE TO BE COLLECTED FROM THE RESPONSIBLE PARTY IF THE CIVIL PENALTY IS NOT PAID WITHIN A SPECIFIED TIME.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 679** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION, and requests conferees.

Speaker Hackney has appointed:

Representative Cole, Chair
Representative Carney
Representative Saunders
Representative McComas, and
Representative Pate

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 820** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN.

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
August 2, 2007

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 509** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE ON ACTIVE

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MILITARY DUTY OUTSIDE THE STATE, AND TO CHANGE THE PENALTIES ASSESSED ON MOTORISTS FOR CERTAIN EMISSIONS VIOLATIONS, and requests conferees, Speaker Hackney appoints:

Representative Martin, Chair
Representative Glazier, and
Representative Thomas

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. 684 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FUNDING FOR THE STATEWIDE SPAY AND NEUTER PROGRAM FROM THE SALE OF RABIES VACCINATION TAGS AND TO REQUIRE REPORTING ON THE PROGRAM, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on today's Calendar for concurrence.

H.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A MORATORIUM ON THE COLLECTION OF PROPERTY TAXES FROM CERTAIN QUALIFYING DAY CARE CENTERS.

Referred to the **Finance Committee**.

H.B. 1889 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX RELIEF FOR QUALIFYING WILDLIFE CONSERVATION LAND AND TO CLARIFY THE PRESENT-USE VALUATION OF PROPERTY SUBJECT TO A CONSERVATION EASEMENT.

Referred to the **Finance Committee**.

CONFERENCE REPORT

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1546** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS, 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 1546, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS, House Committee Substitute Favorable 7/25/07, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/25/07 and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 7/25/07, and substitute the attached Proposed Conference Committee Substitute S1546-PCCS15141-RO-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

Conferees for the Senate *Conferees for the House of Representatives*

S/David W. Hoyle, Chair	S/Dan Blue, Chair
S/Tony Rand	S/Jennifer Weiss
S/Tom Apodaca	S/N. Leo Daughtry
	S/Rick Glazier
	S/Pat B. Hurley

The text of the attached Proposed Conference Committee Substitute, S1546-PCCS15141-RO-1 is as follows:

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE
PERSONNEL RECORDS AND TO MAKE CHANGES TO THE LAW
PERTAINING TO CONFIDENTIALITY OF COMPETITIVE HEALTH
CARE INFORMATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-320 reads as rewritten:

"§ 115C-320. Certain records open to inspection.

Each local board of education shall maintain a record of each of its employees, showing the following information with respect to each employee: name, age, date of original employment or appointment, the terms of any contract by which the employee is employed whether written or oral, past and

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current, to the extent that the board has the written contract or a record of the oral contract in its possession, current position, title, current salary, date and amount of most recent increase or decrease in salary, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the office or station to which the employee is currently assigned. For the purposes of this section, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. Subject only to rules and regulations for the safekeeping of records adopted by the local board of education, every person having custody of the records shall permit them to be inspected and examined and copies made by any person during regular business hours. The name of a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes shall not be open to inspection and shall be redacted from any record released pursuant to this section. Any person who is denied access to any record for the purpose of inspecting, examining or copying the record shall have a right to compel compliance with the provisions of this section by application to a court of competent jurisdiction for a writ of mandamus or other appropriate relief."

SECTION 2. G.S. 115D-28 reads as rewritten:

"§ 115D-28. Certain records open to inspection.

Each board of trustees shall maintain a record of each of its employees, showing the following information with respect to each employee: name, age, date of original employment or appointment, the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the board has the written contract or a record of the oral contract in its possession, current position, title, current salary, date and amount of most recent increase or decrease in salary, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the office or station to which the employee is currently assigned. For the purposes of this section, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. Subject only to rules and regulations for the safekeeping of records adopted by the board of trustees, every person having custody of the records shall permit them to be inspected and examined and copies made by any person during regular business hours. Any person who is denied access to any record for the purpose of inspecting, examining or copying the record shall have a right to compel compliance with the provisions of this section by application to a court of competent jurisdiction for a writ of mandamus or other appropriate relief."

SECTION 3. G.S. 122C-158(b) reads as rewritten:

"(b) The following information with respect to each employee is a matter of public record: name; age; date of original employment or appointment to the area authority; the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the agency has the written contract or a record of the oral contract in its possession; current position title; current salary; date and amount of most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer,

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suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. The area authority shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying during regular business hours, subject only to rules for the safekeeping of public records as the area authority may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue these orders."

SECTION 4. G.S. 126-23 reads as rewritten:

"§ 126-23. Certain records to be kept by State agencies open to inspection.

Each department, agency, institution, commission and bureau of the State shall maintain a record of each of its employees, showing the following information with respect to each such employee: name, age, date of original employment or appointment to the State service, the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the agency has the written contract or a record of the oral contract in its possession, current position, title, current salary, date and amount of most recent increase or decrease in salary, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the office or station to which the employee is currently assigned. For the purposes of this section, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. Subject only to rules and regulations for the safekeeping of the records, adopted by the State Personnel Commission, every person having custody of such records shall permit them to be inspected and examined and copies thereof made by any person during regular business hours. Any person who is denied access to any such record for the purpose of inspecting, examining or copying the same shall have a right to compel compliance with the provisions of this section by application to a court of competent jurisdiction for a writ of mandamus or other appropriate relief."

SECTION 4.5. G.S. 126-22 reads as rewritten:

"§ 126-22. Personnel files not subject to inspection under § 132-6.

(a) Except as provided in G.S. 126-23 and G.S. 126-24, Personnel personnel files of State employees, former State employees, or applicants for State employment employees shall not be subject to inspection and examination as authorized by G.S. 132-6.

(b) For purposes of this Article ~~a personnel file consists of any information gathered by the department, division, bureau, commission, council, or other agency subject to Article 7 of this Chapter which employs an individual, previously employed an individual, or considered an individual's application for employment, or by the office of State Personnel, and which information relates to the individual's application, selection or nonselection, promotions, demotions,~~

~~transfers, leave, salary, suspension, performance evaluation forms, disciplinary actions, and termination of employment wherever located and in whatever form.~~ the following definitions apply:

- (1) "Employee" means any current State employee, former State employee, or applicant for State employment.
- (2) "Employer" means any State department, university, division, bureau, commission, council, or other agency subject to Article 7 of this Chapter.
- (3) "Personnel file" means any employment-related or personal information gathered by an employer, the Retirement Systems Division of the Department of State Treasurer, or by the Office of State Personnel. Employment-related information contained in a personnel file includes information related to an individual's application, selection, promotion, demotion, transfer, leave, salary, contract for employment, benefits, suspension, performance evaluation, disciplinary actions, and termination. Personal information contained in a personnel file includes an individual's home address, social security number, medical history, personal financial data, marital status, dependents, and beneficiaries.
- (4) "Record" means the personnel information that each employer is required to maintain in accordance with G.S. 126-23.

(c) Personnel files of former State employees who have been separated from State employment for 10 or more years may be open to inspection and examination except for papers and documents relating to demotions and to disciplinary actions resulting in the dismissal of the ~~employee.~~ employee and personnel files maintained by the Retirement Systems Division of the Department of State Treasurer."

SECTION 5. G.S. 130A-45.9(b) reads as rewritten:

"(b) The following information with respect to each employee of a public health authority is a matter of public record: name; age; date of original employment or appointment; beginning and ending dates, position title, position descriptions, and total compensation of current and former positions; the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the authority has the written contract or a record of the oral contract in its possession, and date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification. In addition, the following information with respect to each licensed medical provider employed by or having privileges to practice in a public health facility shall be a matter of public record: educational history and qualifications, date and jurisdiction or original and current licensure; and information relating to medical board certifications or other qualifications of medical specialists. For the purposes of this subsection, the term "total compensation" includes pay, benefits, incentives, bonuses, and deferred and all

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other forms of compensation paid by the employing entity."

SECTION 5.5. G.S. 131E-257.2 reads as rewritten:

"§ 131E-257.2. Privacy of employee personnel records.

(a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees and applicants for employment maintained by a public hospital are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the public hospital with respect to an employee and, by way of illustration but not limitation, relating to the employee's application, selection or nonselection, performance, promotions, demotions, transfers, suspensions and other disciplinary actions, evaluation forms, employment contracts, leave, salary, and termination of employment. As used in this section, "employee" includes both current and former employees of a public hospital.

(b) The following information with respect to each public hospital employee is a matter of public record:

- (1) Name.
- (2) Age.
- (3) Date of original employment.
- (4) Current position ~~title, current salary, and the date and amount of the most recent increase or decrease in salary.~~
title.
- (5) Date of the most recent promotion, demotion, transfer, suspension, separation or other change in position classification.
- (6) The office to which the employee is currently assigned.

In addition, the following information with respect to each licensed medical provider employed by or having privileges to practice in a public hospital shall be a matter of public record: educational history and qualifications, date and jurisdiction or original and current licensure; and information relating to medical board certifications or other qualifications of medical specialists.

(b1) In addition, the following information for the last completed fiscal year, beginning with the fiscal year ending in 2008, of a public hospital with respect to each Covered Officer and the five key employees (who are not Covered Officers) with the highest annual compensation of a public hospital is a matter of public record:

- (1) Base salary.
- (2) Bonus compensation.
- (3) Plan-based incentive compensation.
- (4) Dollar value of all other compensation, which includes any perquisites and other personal benefits.

(b2) As used in this section:

- (1) "Covered Officer" means each of the following:
 - a. All individuals serving as the public hospital's chief executive officer or acting in a similar

capacity at any time during the last completed fiscal year, regardless of compensation level.

b. The public hospital's four most highly compensated executive officers, determined by the aggregate amount reportable under subdivisions (1) through (4) of subsection (b1) of this section, other than the chief executive officer, who were serving as executive officers at the end of the last completed fiscal year.

c. Any individual for whom disclosure would have been provided pursuant to sub-subdivision b. of this subsection but for the fact that the individual's service as an executive officer of the public hospital terminated during the last completed fiscal year.

(2) "Executive officer" means each employee of the public hospital specifically appointed by the governing board of the public hospital to serve as an officer.

(3) "Key employee" means any person having responsibilities, powers, or influence similar to those of an officer. The term includes the chief management and administrative officials of a public hospital.

(b3) The governing board of a public hospital shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the governing board of the public hospital may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

(c) All information contained in a public hospital employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

- (1) The employee or the employee's duly authorized agent may examine all portions of the employee's personnel file, except letters of reference solicited prior to employment.
- (2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (3) A public hospital employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.

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- (5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when the inspection is deemed by the person having custody of the file to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
 - (6) An employee may sign a written release, to be placed with the employee's personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- (d) Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor to any other person:
- (1) Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the public hospital's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.
 - (2) Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.
 - (3) Information that might identify an undercover law enforcement officer or a law enforcement informer.
 - (4) Notes, preliminary drafts, and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.
- (e) The governing board of a public hospital may permit access, subject to limitations they may impose, to selected personnel files by a professional representative of a training, research, or academic institution if that representative certifies that he or she will not release information identifying the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes. This certification shall be retained by the public hospital as long as each personnel file so examined is retained.

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(f) The governing board of a public hospital that maintains personnel files containing information other than the information mentioned in subsection (b) of this section shall establish procedures whereby an employee who objects to material in his or her file on grounds that it is inaccurate or misleading may seek to have the material removed from the file or may place in the file a statement relating to the material.

(g) A public hospital director, trustee, officer, or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor; however, conviction under this subsection shall be punishable only by a fine not to exceed five hundred dollars (\$500.00).

(h) Any person not specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, or remove, or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor; however, conviction under this subsection shall be punishable, in the discretion of the court, by a fine not to exceed five hundred dollars (\$500.00)."

SECTION 6. G.S. 153A-98(b) reads as rewritten:

"(b) The following information with respect to each county employee is a matter of public record: name; age; date of original employment or appointment to the county service; the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the county has the written contract or a record of the oral contract in its possession; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation or other change in position classification; and the office to which the employee is currently assigned. For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. The board of county commissioners shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the board of commissioners may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders."

SECTION 7. G.S. 160A-168(b) reads as rewritten:

"(b) The following information with respect to each city employee is a matter of public record: name; age; date of original employment or appointment to the service; the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the city has the written contract or a record of the oral contract in its possession; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the

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employee is currently assigned. For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. The city council shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the city council may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders."

SECTION 8. G.S. 162A-6.1(b) reads as rewritten:

"(b) The following information with respect to each authority employee is a matter of public record: name; age; date of original employment or appointment to the service; the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the authority has the written contract or a record of the oral contract in its possession; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. The authority shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the authority may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders."

SECTION 8.5. G.S. 131E-97.3 reads as rewritten:

"§ 131E-97.3. Confidentiality of competitive health care information.

(a) For the purposes of this section, competitive health care information means ~~information~~ information relating to competitive health care activities by or on behalf of hospitals and public hospital ~~authorities~~ ~~shall~~ ~~authorities~~. Competitive health care information shall be confidential and not a public record under Chapter 132 of the General Statutes; provided that any contract entered into by or on behalf of a public hospital or public hospital authority, as defined in G.S. 159-39, shall be a public record unless otherwise exempted by law, or the contract contains competitive health care information, the determination of which shall be as provided in subsection (b) of this section.

(b) If a public hospital or public hospital authority is requested to disclose any contract which the hospital or hospital authority believes in good faith contains or constitutes competitive health care information, the hospital or

hospital authority may either redact the portions of the contract believed to constitute competitive health care information prior to disclosure, or if the entire contract constitutes competitive health care information, refuse disclosure of the contract. The person requesting disclosure of the contract may institute an action pursuant to G.S. 132-9 to compel disclosure of the contract or any redacted portion thereof. In any action brought under this subsection, the issue for decision by the court shall be whether the contract, or portions of the contract withheld, constitutes competitive health care information, and in making its determination, the court shall be guided by the procedures and standards applicable to protective orders requested under Rule 26(c)(7) of the Rules of Civil Procedure. For the purposes of this section, competitive health care information includes, but is not limited to, contracts entered into by or on behalf of a public hospital or public hospital authority to purchase a medical practice. Before rendering a decision, the court shall review the contract in camera and hear arguments from the parties. If the court finds that the contract constitutes or contains competitive health care information, the court may either deny disclosure or may make such other appropriate orders as are permitted under Rule 26(c) of the Rules of Civil Procedure.

(c) Nothing in this section shall be deemed to prevent an elected public body, in closed session, which has responsibility for the hospital, the Attorney General, or the State Auditor from having access to this confidential information. The disclosure to any public entity does not affect the confidentiality of the information. Members of the public entity shall have a duty not to further disclose the confidential information."

SECTION 9. This act is effective when it becomes law.

Upon motion of Senator Hoyle, the rules are suspended and the Conference Report, which changes the title, is placed on today's Calendar for adoption.

CALENDAR *(continued)*

S.B. 684 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FUNDING FOR THE STATEWIDE SPAY AND NEUTER PROGRAM FROM THE SALE OF RABIES VACCINATION TAGS AND TO REQUIRE REPORTING ON THE PROGRAM, placed earlier on today's Calendar for concurrence.

Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill (45-0).

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

S.B. 1546 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL

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RECORDS AND TO MAKE CHANGES TO THE LAW PERTAINING TO CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION, placed earlier on today's Calendar, 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.

CONFERENCE REPORT

Senator Nesbitt, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1537** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEDICAID ESTATE RECOVERY LAW; TO AMEND THE LAW RESPECTING DATA SHARING BY HEALTH INSURERS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE; AND TO ENACT A PROCEDURE FOR THE WAIVER OF THE MEDICAID TRANSFER OF ASSETS PENALTY DUE TO UNDUE HARDSHIP, 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 1537, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEDICAID ESTATE RECOVERY LAW; TO AMEND THE LAW RESPECTING DATA SHARING BY HEALTH INSURERS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE; AND TO ENACT A PROCEDURE FOR THE WAIVER OF THE MEDICAID TRANSFER OF ASSETS PENALTY DUE TO UNDUE HARDSHIP, Senate Judiciary I (Civil) Committee Substitute Adopted 7/26/07, submit the following report:

The House and Senate agree to the following amendments to the Senate Judiciary I (Civil) Committee Substitute, Senate Judiciary I (Civil) Committee Substitute Adopted 7/26/07, and the House concurs in the Senate Judiciary I (Civil) Committee Substitute as follows:

On page 2, lines 3-17 by rewriting those lines to read:

- "b. If the recipient is 55 years of age or older and is receiving one or more of the following medical care services:

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1. Nursing facility services.
2. Home and community-based services.
3. Hospital care ~~and prescription drugs related to nursing facility services or home and community-based services.~~
- 3a. Prescription drugs.
4. Personal care services.
5. ~~Medicare premiums.~~
6. ~~Private duty nursing.~~
7. ~~Home health aide services.~~
8. ~~Home health therapy.~~
9. ~~Speech pathology services." ;~~

and on page 8, lines 31-32 by inserting the following between those lines:

"SECTION 3.5. The Department of Health and Human Services shall report, by April 15, 2008, to the Chairs of the Senate and House of Representatives Appropriations Committees and the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Health and Human Services the following information:

- (1) For the previous twenty four months, the total expenditure for personal care services for each year, and the total expenditure for each setting in which personal care services were provided.
- (2) For the period beginning October 1, 2007, the total number of deceased recipients that received personal care services, the average expenditure for personal care services for those recipients, and the average value of the estate of those recipients.
- (3) For the period beginning October 1, 2007, for each estate against which recovery is sought for the provision of personal care services, the total amount of personal care services provided, and the value of the estate.
- (4) Recommendations, if any, by the Department for a threshold to begin recovery from the estate of a deceased recipient of personal care services.

SECTION 3.6. Unless required by federal law, the Department of Health and Human Services, Division of Medical Assistance shall limit notification of estate recovery to the application process for Medicaid and to following the death of the recipient."

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The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

Conferees for the Senate *Conferees for the House of Representatives*

S/Martin L. Nesbitt, Jr., Chair	S/Deborah K. Ross, Chair
S/William R. Purcell	S/Martha B. Alexander
S/Doug Berger	S/Verla Insko
S/Andrew C. Brock	S/Melanie Wade Goodwin
	S/Angela R. Bryant
	S/Debbie A. Clary
	S/Paul Stam

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on the Calendar for immediate consideration.

Upon motion of Senator Nesbitt, the Senate adopts the Conference Report (45-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1313 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSENT OF THE COUNCIL OF STATE IN ORDER FOR ANY ZONING ORDINANCE TO APPLY TO STATE-OWNED BUILDINGS WITHIN SIX BLOCKS OF THE STATE CAPITOL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on the Calendar for immediate consideration.

Upon motion of Senator Cowell, 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.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1761** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND, submits for adoption the following report:

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To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1761, A BILL TO BE ENTITLED AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND, Senate Appropriations/Base Budget Committee Substitute Adopted 7/31/07, submit the following report:

The House Concurs in the Senate Appropriations/Base Budget Committee Substitute Adopted 7/31/07 with an amendment as follows:

Delete the entire Senate Appropriations/Base Budget Committee Substitute Adopted 7/31/07, and substitute the attached Proposed Conference Committee Substitute H1761-PCCS30539-MC-2.

The Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

Conferees for the Senate

S/Tony Rand, Chair
S/David W. Hoyle
S/Jerry W. Tillman

Conferees for the House of Representatives

S/Rick Glazier, Chair
S/Margaret Highsmith Dickson
S/Lorene Coates
S/Harold J. Brubaker
S/James W. Crawford, Jr.
S/David R. Lewis

The text of the attached Proposed Conference Committee Substitute, H1761-PCCS30539-MC-2 is as follows:

A BILL TO BE ENTITLED
AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL
DEVELOPMENT FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 10 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-437.11. Job Maintenance and Capital Development Fund.

(a) Findings. – The General Assembly finds that:

(1) It is the policy of the State of North Carolina to stimulate economic activity, to maintain high-paying jobs for the citizens of the State, and to encourage capital investment by encouraging and promoting the maintenance of existing business and industry within the State.

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- (2) The economic condition of the State is not static, and recent changes in the State's economic condition have created economic distress that requires the enactment of a new program as provided in this section that is designed to encourage the retention of significant numbers of high-paying jobs and the addition of further large-scale capital investment.
- (3) The enactment of this section is necessary to stimulate the economy and maintain high-quality jobs in North Carolina, and this section will promote the general welfare and confer, as its primary purpose and effect, benefits on citizens throughout the State through the maintenance of high-quality jobs, an enlargement of the overall tax base, continued diversity in the State's industrial base, and an increase in revenue to the State's political subdivisions.
- (4) The purpose of this section is to stimulate economic activity and to maintain high-paying jobs within the State while increasing the property tax base for local governments.

(b) Fund. – The Job Maintenance and Capital Development Fund is created as a restricted reserve in the Department of Commerce. Monies in the Fund do not revert but remain available to the Department for these purposes. The Department may use monies in the Fund only to encourage businesses to maintain high-paying jobs and make further capital investments in the State as provided in this section.

(c) Definitions. – The definitions in G.S. 143B-437.51 apply in this section. In addition, as used in this section, the term 'Department' means the Department of Commerce.

(d) Eligibility. – A business that satisfies all of the following conditions is eligible for consideration for a grant under this section:

- (1) The Department certifies that the business intends to invest at least two hundred million dollars (\$200,000,000) of private funds in the project within the five-year period commencing January 1, 2007, in improvements to real property and additions to tangible personal property used in the business.
- (2) The project employs at least 2,000 full-time employees or equivalent full-time contract employees at the establishment that is the subject of the grant at the time the application is made, and the business agrees to maintain at least 2,000 full-time employees or equivalent full-time contract employees at the establishment for the full term of the grant agreement.
- (3) The project is located in a development tier one area at the time the business applies for a grant.

(e) Health Insurance. – A business is eligible for consideration for a grant under this section only if the business makes available health insurance for all of the full-time employees of the project with respect to which the application is made. For the purposes of this subsection, a business makes available health insurance if it pays at least fifty percent (50%) of the premiums for health care coverage that equals or exceeds the minimum provisions of the basic health care plan of coverage under G.S. 58-50-125.

Each year that a grant agreement under this section is in effect, the business shall provide the Department a certification that the business continues to make available health insurance for all full-time employees of the project governed by the agreement. Failure of the business to satisfy the requirements of this subsection shall result in recapture of a portion of the grant proceeds as provided in the grant agreement.

(f) Safety and Health Programs. – A business is eligible for consideration for a grant under this section only if the business has no citations under the Occupational Safety and Health Act that have become a final order within the last three years for willful serious violations or for failing to abate serious violations with respect to the location for which the grant is made. For the purposes of this subsection, 'serious violation' has the same meaning as in G.S. 95-127.

(g) Environmental Impact. – A business is eligible for consideration for a grant under this section only if the business has no pending administrative, civil, or criminal enforcement action based on alleged significant violations of any program implemented by an agency of the Department of Environment and Natural Resources, and has had no final determination of responsibility for any significant administrative, civil, or criminal violation of any program implemented by an agency of the Department of Environment and Natural Resources within the last three years with respect to the location for which the grant is made. For the purposes of this subsection, a significant violation is a violation or alleged violation that does not satisfy any of the conditions of G.S. 143-215.6B(d).

(h) Selection. – The Department shall administer the selection of projects to receive grants under this section. The selection process shall include the following components:

- (1) Criteria. – The Department shall develop criteria to be used to identify and evaluate eligible projects for possible grants under this section.
- (2) Initial evaluation. – The Department shall evaluate projects to determine if a grant under this section is merited and to determine whether the project is eligible and appropriate for consideration for a grant under this section.
- (3) Application. – The Department shall require a business to submit an application in order for a project to be considered for a grant under this section. The Department shall prescribe the form of the application, the application

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process, and the information to be provided, including all information necessary to evaluate the project in accordance with the applicable criteria.

- (4) Committee. – The Department shall submit to the Economic Investment Committee the applications for projects the Department considers eligible and appropriate for a grant under this section. The Committee shall evaluate applications to choose projects to receive a grant under this section. In evaluating each application, the Committee shall consider all criteria adopted by the Department under this section and, to the extent applicable, the factors set out in Section 2.1(b) of S.L. 2002-172.
- (5) Findings. – The Committee shall make all of the following findings before recommending a project receive a grant under this section:
- a. The conditions for eligibility have been met.
 - b. A grant under this section for the project is necessary to carry out the public purposes provided in subsection (a) of this section.
 - c. The project is consistent with the economic development goals of the State and of the area where it is located.
 - d. The affected local governments have participated in retention efforts and offered incentives in a manner appropriate to the project.
 - e. A grant under this section is necessary for the sustainability and maintenance of the project in this State.
- (6) Recommendations. – If the Committee recommends a project for a grant under this section, it shall recommend the amount of State funds to be committed, the preferred form and details of the State participation, and the performance criteria and safeguards to be required in order to protect the State's investment.
- (i) Agreement. – Unless the Secretary of Commerce determines that the project is no longer eligible or appropriate for a grant under this section, the Department shall enter into an agreement to provide a grant or grants for a project recommended by the Committee. Each grant agreement is binding and constitutes a continuing contractual obligation of the State and the business. The grant agreement shall include the performance criteria, remedies, and other safeguards recommended by the Committee or required by the Department. Each grant agreement shall contain a provision prohibiting a business from receiving a payment or other benefit under the agreement at any time when the business has received a notice of an overdue tax debt and the overdue tax debt has not been satisfied or otherwise resolved. A grant agreement may obligate the

State to make a series of grant payments over a period of up to 10 years. Nothing in this section constitutes or authorizes a guarantee or assumption by the State of any debt of any business or authorizes the taxing power or the full faith and credit of the State to be pledged.

The Department shall cooperate with the Attorney General's Office in preparing the documentation for the grant agreement. The Attorney General shall review the terms of all proposed agreements to be entered into under this section. To be effective against the State, an agreement entered into under this section shall be signed personally by the Attorney General.

(j) Safeguards. – To ensure that public funds are used only to carry out the public purposes provided in this section, the Department shall require that each business that receives a grant under this section shall agree to meet performance criteria to protect the State's investment and ensure that the projected benefits of the project are secured. The performance criteria to be required shall include maintenance of an appropriate level of employment at specified levels of compensation, maintenance of health insurance for all full-time employees, investment of a specified amount over the term of the agreement, and any other criteria the Department considers appropriate. The agreement shall require the business to repay or reimburse an appropriate portion of the grant based on the extent of any failure by the business to meet the performance criteria.

(k) Monitoring and Reports. – The Department is responsible for monitoring compliance with the performance criteria under each grant agreement and for administering the repayment in case of default. The Department shall pay for the cost of this monitoring from funds appropriated to it for that purpose or for other economic development purposes.

Within two months after the end of each calendar quarter, the Department shall report to the Joint Legislative Commission on Governmental Operations regarding the Job Maintenance and Capital Development Fund. This report shall include a listing of each grant awarded and each agreement entered into under this section during the preceding quarter, including the name of the business, the cost/benefit analysis conducted by the Committee during the application process, a description of the project, and the amount of the grant expected to be paid under the agreement during the current fiscal year. The report shall also include detailed information about any defaults and repayment during the preceding quarter. The Department shall publish this report on its Web site and shall make printed copies available upon request.

(l) Limitations. – The Department may enter into no more than five agreements under this section. The total aggregate cost of all agreements entered into under this section may not exceed forty million dollars (\$40,000,000), and the annual aggregate cost of all agreements entered into under this section may not exceed four million dollars (\$4,000,000). The total annual cost of an agreement entered into under this section may not exceed the lesser of four million dollars (\$4,000,000) or fifty percent (50%) of the withholding of the full-time employees for the preceding year."

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SECTION 2. There is appropriated from the General Fund to the Job Maintenance and Capital Development Fund, created under Section 1 of this act, the sum of four million dollars (\$4,000,000) for the 2008-2009 fiscal year.

SECTION 3. G.S. 150B-1(d) is amended by adding a new subdivision to read:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

- ...
- (14) The Department of Commerce and the Economic Investment Committee in developing criteria and administering the Job Maintenance and Capital Development Fund under G.S. 143B-437.11."

SECTION 4. This act becomes effective July 1, 2007.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for immediate consideration.

Upon motion of Senator Rand, the Senate adopts the Conference Report (41-5).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1743 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT

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VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE THE VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR SOFTWARE WARRANTIES; TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP; AND TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT; AND TO MAKE OTHER AMENDMENTS TO THE ELECTION LAWS.

Pursuant to the message from the House of Representatives received yesterday, Wednesday, August 1, that the House fails to concur in the Senate Committee Substitute bill for H.B. 1743 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair, Senator Berger of Rockingham and Senator Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 2:38 P.M. to reconvene at 3:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Upon the appearance of Senator Dalton in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

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S.B. 3, AN ACT TO: (1) PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS), (2) ALLOW RECOVERY OF CERTAIN NONFUEL UTILITY COSTS THROUGH THE FUEL CHARGE ADJUSTMENT PROCEDURE, (3) PROVIDE FOR ONGOING REVIEW OF CONSTRUCTION COSTS AND FOR RECOVERY OF COSTS IN RATES IN A GENERAL RATE CASE, (4) ADJUST THE PUBLIC UTILITY AND ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEES, (5) PROVIDE FOR THE PHASEOUT OF THE TAX ON THE SALE OF ENERGY TO NORTH CAROLINA FARMERS AND MANUFACTURERS, AND (6) ALLOW A TAX CREDIT TO CONTRIBUTORS TO 501(C)(3) ORGANIZATIONS FOR RENEWABLE ENERGY PROPERTY.

S.B. 540, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS, MOTOR FUELS TAX LAWS, AND RELATED STATUTES.

S.B. 580, AN ACT TO ESTABLISH THE LOCAL GOVERNMENT POST-EMPLOYMENT BENEFITS FUND UNDER THE MANAGEMENT OF THE STATE TREASURER, TO ESTABLISH THE LOCAL GOVERNMENT LAW ENFORCEMENT SPECIAL SEPARATION ALLOWANCE BENEFITS FUND UNDER THE MANAGEMENT OF THE STATE TREASURER, TO AUTHORIZE THE TREASURER TO MAKE EQUITY INVESTMENTS FROM THE FUND TO THE SAME EXTENT ALLOWED FOR CERTAIN INVESTMENTS FROM THE STATE RETIREMENT SYSTEM, TO ALLOW LOCAL ENTITIES TO ESTABLISH OTHER IRREVOCABLE TRUSTS TO FUND POST-EMPLOYMENT BENEFITS, AND TO ALLOW LOCAL GOVERNMENTS TO ESTABLISH OTHER IRREVOCABLE TRUSTS TO FUND LAW ENFORCEMENT SPECIAL SEPARATION ALLOWANCE BENEFITS.

S.B. 646, AN ACT TO PROVIDE PROPERTY TAX RELIEF FOR WORKING WATERFRONT PROPERTY, TO ESTABLISH THE ADVISORY COMMITTEE FOR THE COORDINATION OF WATERFRONT ACCESS, TO MAKE EXPANDED PUBLIC ACCESS TO COASTAL WATERS A PRIORITY IN PLANNING STATE ROAD PROJECTS, TO INCREASE FEES FOR VESSEL TITLING, TO WAIVE PERMIT FEES FOR EMERGENCY COASTAL AREA MANAGEMENT ACT PERMITS, AND TO DIRECT A STUDY OF CONSTRUCTION AND REPAIR IN REGULATED FLOOD ZONES, AS RECOMMENDED BY THE WATERFRONT ACCESS STUDY COMMITTEE.

S.B. 864, AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT

CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS; TO AMEND THE PERFUSSIONIST LICENSURE ACT, AND TO MAKE CHANGES TO THE APPOINTING PROCESS FOR THE NORTH CAROLINA STATE BOARD OF OPTICIANS.

S.B. 914, AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE.

S.B. 1431, AN ACT TO AUTHORIZE THE ADDITION OF DEEP RIVER STATE TRAIL TO THE STATE PARKS SYSTEM AND TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY.

H.B. 433, AN ACT TO ADOPT THE LEXINGTON BARBECUE FESTIVAL AS THE OFFICIAL FOOD FESTIVAL OF THE NORTH CAROLINA PIEDMONT TRIAD.

H.B. 508, AN ACT TO AUTHORIZE MITCHELL COUNTY AND THE TOWNS OF BILTMORE FOREST, BLACK CREEK, BLACK MOUNTAIN, BLOWING ROCK, OCEAN ISLE BEACH, SUNSET BEACH, AND TABOR CITY TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

H.B. 769, AN ACT TO ENSURE COMPLIANCE WITH MOTOR CARRIER AND COMMERCIAL DRIVERS LICENSE PROVISIONS OF CHAPTER 20 OF THE GENERAL STATUTES AND TO AUTHORIZE THE COMMISSIONER OF MOTOR VEHICLES TO ENTER INTO THE UNIFIED MOTOR CARRIER REGISTRATION AGREEMENT.

H.B. 1094, AN ACT TO MODIFY THE PUNISHMENTS FOR UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE.

H.B. 1110, AN ACT TO MAKE TECHNICAL CHANGES TO THE STATE GOVERNMENT ETHICS ACT, THE LEGISLATIVE ETHICS ACT, AND THE LOBBYING LAW.

H.B. 1181, AN ACT TO PROVIDE FOR CONTRACT FINANCING AND SURETY BONDS FOR SMALL BUSINESSES THAT CONTRACT WITH GOVERNMENTAL AGENCIES.

H.B. 1499, AN ACT TO INCREASE THE BENEFIT OF THE PROPERTY TAX HOMESTEAD EXCLUSION BY RAISING BOTH THE INCOME ELIGIBILITY LIMIT AND THE AMOUNT EXCLUDED FROM TAXATION; TO AUTHORIZE THE REVENUE LAWS STUDY

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COMMITTEE TO STUDY WHETHER AND HOW TO INDEX THE MINIMUM AMOUNT THAT IS EXCLUDED FROM TAX; TO CREATE A SENIOR CIRCUIT BREAKER PROPERTY TAX BENEFIT; TO MODIFY THE PRESENT-USE VALUE REQUIREMENTS FOR AGRICULTURAL LAND USED AS AN AQUATIC SPECIES FARM; AND TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY VARIOUS MODIFICATIONS AND EXPANSIONS TO THE PRESENT-USE VALUE SYSTEM.

H.B. 1517, AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; AND TO APPROPRIATE FUNDS TO FINANCE THE PROGRAM.

H.B. 1688, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CREATE A LIMITED REGISTRATION PLATE, TO EXEMPT MOTOR VEHICLES REGISTERED UNDER THE INTERNATIONAL REGISTRATION PLAN FROM THE COMBINED REGISTRATION AND PROPERTY TAX SYSTEM, TO PROVIDE THAT INTEREST GENERATED BY FUNDS IN THE COMBINED MOTOR VEHICLE AND REGISTRATION ACCOUNT BE CREDITED TO THE ACCOUNT, TO AUTHORIZE THE OFFICE OF STATE BUDGET AND MANAGEMENT TO DIRECT THE TREASURER TO DISTRIBUTE THE FUNDS IN THE ACCOUNT TO IMPLEMENT THE INTEGRATED COMPUTER SYSTEM, TO DISTRIBUTE ANY REMAINING FUNDS IN THE ACCOUNT TO THE LOCAL GOVERNMENTS, AND TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 546, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF MOUNT PLEASANT.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1556** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE

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RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, 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 1556, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, Senate Rules and Operations of the Senate Committee Substitute Adopted 8/1/07, submit the following report:

The House concurs in the Senate Rules and Operations of the Senate Committee Substitute Adopted 8/1/07, with an amendment:

Delete the entire Senate Rules and Operations of the Senate Committee Substitute Adopted 8/1/07, and substitute the attached Proposed Conference Committee Substitute H1556-PCCS10278-LG-1.

The Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

Conferees for the Senate *Conferees for the House of Representatives*

S/Tony Rand, Chair
S/David W. Hoyle

S/Bill Owens, Chair
S/Dewey L. Hill
S/Harold J. Brubaker
S/Dan Blue

The text of the attached Proposed Conference Committee Substitute, H1556-PCCS10278-LG-1 is as follows:

A BILL TO BE ENTITLED
AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON
THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF
REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE
SENATE.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate;
and

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Whereas, the Speaker of the House of Representatives and the President Pro Tempore have made recommendations; Now, therefore, The General Assembly of North Carolina enacts:

PART I. SPEAKER'S RECOMMENDATIONS.

SECTION 1.1. If House Bill 1650, 2007 Regular Session, becomes law, then Nancy Davison of Wake County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2010.

SECTION 1.2. Thomas "Tommy" J. Emerson of Chatham County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on July 1, 2010.

SECTION 1.3. Harold K. Hart of Chatham County and Michael Weeks of Wake County are appointed to the Centennial Authority for terms expiring on June 30, 2011.

SECTION 1.4. Mary Roberts of Orange County and Linda LaRue of Forsyth County are appointed to the Child Care Commission for terms expiring on June 30, 2009.

SECTION 1.5. David Yarasheski, D.C., of Durham County is appointed to the State Board of Chiropractic Examiners for a term expiring on June 30, 2009.

SECTION 1.6. Dr. Norman C. Camp, III of Wake County is appointed to the Clean Water Management Trust Fund Board of Trustees for a term expiring on July 1, 2011.

SECTION 1.7. Mark H. Hicks of Granville County and Hiram Williams of Pender County are appointed to the North Carolina Code Officials Qualification Board for terms expiring on June 30, 2011.

SECTION 1.8. Ellen B. Scouten of Chatham County is appointed to the Crime Victims Compensation Commission for a term expiring on June 30, 2011.

SECTION 1.9. Richard J. Armstrong of Wake County, the Honorable James K. Festerman of Rockingham County, Vernon Julius Bryant of Halifax County, and Kevin Wallace of Wake County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2009.

SECTION 1.10. Donnie O. Holt of Forsyth County and Barker French of Durham County are appointed to the North Carolina Criminal Justice Information Network Governing Board for terms expiring on June 30, 2011.

SECTION 1.11. Effective September 1, 2007, the Honorable Beverly A. Scarlett of Orange County and Maria Pinto of Pitt County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2009.

SECTION 1.12. John D. Chaffee of Pitt County and Billy Wooten of Edgecombe County are appointed to the North Carolina's Eastern Region Development Commission for terms expiring on June 30, 2011.

SECTION 1.13. Representative Marvin W. Lucas of Cumberland County is appointed to the Education Commission of the States for a term expiring on June 30, 2008.

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SECTION 1.14. Effective September 1, 2007, Elizabeth Fisher of New Hanover County is appointed to the North Carolina Board of Electrolysis Examiners for a term expiring on August 31, 2010.

SECTION 1.15. Effective January 1, 2007, Carl R. McKnight of Lincoln County is appointed to the North Carolina Emergency Medical Services Advisory Council for a term expiring on December 31, 2011.

SECTION 1.16.(a) Effective January 1, 2008, the Honorable Foyle Hightower, Jr., of Anson County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2008.

SECTION 1.16.(b) Effective January 1, 2008, the Honorable Stanley H. Fox of Granville County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2009.

SECTION 1.16.(c) Effective January 1, 2008, the Honorable Wayne Goodwin of Richmond County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2010.

SECTION 1.17. John S. Curry of Buncombe County and Steven D. Weber of Mecklenburg County are appointed to the Environmental Management Commission for terms expiring on June 30, 2009.

SECTION 1.18. Gordon Vermillion of Lenoir County and Barbara R. Kornegay of Wayne County are appointed to the Board of Directors of North Carolina Global TransPark Authority for terms expiring on June 30, 2011.

SECTION 1.19. Terry B. Todd of Wake County is appointed to the North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2011.

SECTION 1.20. William C. Lackey, Jr. of Mecklenburg County, William C. Fitzgerald, III of Scotland County, James W. Oglesby of Buncombe County, and Paul S. Jaber of Nash County are appointed to the North Carolina Housing Finance Agency for terms expiring on June 30, 2009.

SECTION 1.21. Representative Jennifer Weiss of Wake County, Representative Arthur J. Williams of Beaufort County, Representative Larry W. Womble of Forsyth County, Karen Anne McCall of Durham County, the Honorable Norman A. Mitchell, Sr. of Mecklenburg County, Denise Barratt of Johnston County, W. Robert Bizzell of Lenoir County, and Sylvia Coleman of Guilford County are appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for terms expiring on June 30, 2009.

SECTION 1.22. Jens Saakvitne of Forsyth County is appointed to the License to Give Trust Fund Commission for a term expiring on December 31, 2008, to fill the unexpired term of Jeannette K. Poole.

SECTION 1.23. W. Calvin "Cal" Horton of Orange County is appointed to the Local Government Commission for a term expiring on June 30, 2009, to fill the unexpired term of David Huskins.

SECTION 1.24. Effective January 1, 2007, Larry K. Hayes of Lenoir County is appointed to the North Carolina Locksmith Licensing Board for a term expiring on December 31, 2010.

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SECTION 1.25. Effective September 1, 2007, Max O. Cogburn, Jr. of Buncombe County is appointed to the North Carolina State Lottery Commission for a term expiring on August 31, 2012.

SECTION 1.26. LeAnder Canady of Guilford County and Sally Schornstheimer of Orange County are appointed to the Board of Trustees of the North Carolina Museum of Art for terms expiring on June 30, 2009.

SECTION 1.27. Effective January 1, 2007, Dr. Alan S. Weakley of Chatham County and Henry L. Kitchin of Brunswick County are appointed to the Natural Heritage Trust Fund Board of Trustees for terms expiring on January 1, 2014.

SECTION 1.28.(a) Effective July 1, 2006, the Honorable Zeno L. Edwards, Jr. of Beaufort County is appointed to the Northeastern North Carolina Regional Economic Development Commission for a term expiring on June 30, 2008.

SECTION 1.28.(b) Eddie J. Lynch of Currituck County, the Honorable Thomas B. Richter of Beaufort County, and the Honorable Drewery N. Beale of Halifax County are appointed to the Northeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2009.

SECTION 1.29. Effective January 1, 2007, Martha Ann Harrell of Cumberland County is appointed to the North Carolina Board of Nursing for a term expiring on December 31, 2011.

SECTION 1.30. Connie Moore Corey of Pitt County is appointed to the North Carolina Nursing Scholars Commission for a term expiring on June 30, 2011.

SECTION 1.31. The Honorable Edd Nye of Bladen County is appointed to the Board of Directors of the North Carolina Center for Nursing for a term expiring on June 30, 2008, to fill an unexpired term.

SECTION 1.32. Robert L. Epting of Orange County and Thomas S. Blue of Moore County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on July 1, 2010.

SECTION 1.33. Lloyd Williams, Jr. of Cleveland County, Bennie Gupton of Franklin County, Ralph Heath of Wake County, and Waheed Haq of Wake County are appointed to the North Carolina Petroleum Underground Storage Tank Funds Council for terms expiring on June 30, 2009.

SECTION 1.34. Dr. George Frazier of Pitt County is appointed to the North Carolina Principal Fellows Commission for a term expiring on June 30, 2011.

SECTION 1.35. Notwithstanding the provisions of G.S. 74C-4(b), Sally K. Pleasant of Stanly County and Mack Donaldson of Guilford County are appointed to the Private Protective Services Board for terms expiring on June 30, 2008.

SECTION 1.36. Effective January 1, 2007, William D. English of Buncombe County is appointed to the North Carolina Professional Employer Organization Advisory Council for a term expiring on December 31, 2010.

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SECTION 1.37. The Honorable Wade F. Wilmoth of Watauga County is appointed to the Property Tax Commission for a term expiring on June 30, 2011.

SECTION 1.38. Janet Pittard of Wake County is appointed to the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan for a term expiring on June 30, 2009.

SECTION 1.39. Joseph R. Kluttz, Jr. of Stanly County is appointed to the Public Officers and Employees Liability Insurance Commission for a term expiring on June 30, 2011.

SECTION 1.40. The Honorable James H. Edwards of Caldwell County and Herbert Crenshaw of Wake County are appointed to the North Carolina Agency for Public Telecommunications for terms expiring on June 30, 2009.

SECTION 1.41. Robert W. Griffin of Lenoir County and the Honorable R. Samuel Hunt, III of Alamance County are appointed to the North Carolina Railroad Company Board of Directors for terms expiring on June 30, 2011.

SECTION 1.42. Bunkey Morgan of Chatham County is appointed to the North Carolina Recreational Therapy Licensure Board for a term expiring on June 30, 2010.

SECTION 1.43. Effective October 1, 2007, Thomas E. Brooks of Wake County, Walter E. Daniels of Durham County, and O. Rolf Blizzard, III of Wake County are appointed to the Roanoke Island Commission for terms expiring on September 30, 2009.

SECTION 1.44. The Honorable Clarence E. Horton, Jr. of Cabarrus County, Jennie Jarrell Hayman of Wake County, and Daniel F. McLawhorn of Wake County are appointed to the Rules Review Commission for terms expiring on June 30, 2009.

SECTION 1.45. Hughley B. Spruill, Sr. of Cumberland County and Richard J. Richardson of Chatham County are appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for terms expiring on June 30, 2009.

SECTION 1.46. W. Hugh Thompson of Wake County is appointed to the North Carolina Board of Science and Technology for a term expiring on June 30, 2009.

SECTION 1.47. Gwen A. White of Tyrrell County is appointed to the North Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2009.

SECTION 1.48. John B. Allison of Haywood County is appointed to the North Carolina Board for Licensing of Soil Scientists for a term expiring on June 30, 2010.

SECTION 1.49. Wyatt G. Upchurch of Hoke County and George Rountree, III of New Hanover County are appointed to the Southeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2011.

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SECTION 1.50. R. A. "Bob" Southerland of Wake County is appointed to the State Banking Commission for a term expiring on June 30, 2011.

SECTION 1.51. James T. Driscoll, Jr. of Robeson County is appointed to the State Building Commission for a term expiring on June 30, 2010.

SECTION 1.52. John Wayne Strowd, Jr. of Chatham County is appointed to the State Fire and Rescue Commission for a term expiring on June 30, 2010.

SECTION 1.53. Jesse S. Capel of Montgomery County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2009.

SECTION 1.54. Michelle Capen of Caldwell County and Monica Lowry Graham of Robeson County are appointed to the North Carolina Teacher Academy Board of Trustees for terms expiring on June 30, 2011.

SECTION 1.55. Lacey P. Barnes of Johnston County is appointed to the Board of Trustees of Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 2009.

SECTION 1.56. Alfred J. Hackney, Jr. of Columbus County is appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June 30, 2009.

SECTION 1.57. Dr. Thomas Dowell of Jackson County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 30, 2011.

SECTION 1.58. Effective October 1, 2007, Elizabeth Stock Newlin of Wake County, Anne King of Wake County, and Dr. Scott G. Sagraves of Pitt County are appointed to the North Carolina Traumatic Brain Injury Advisory Council for terms expiring on September 30, 2011.

SECTION 1.59. Effective January 15, 2007, the Honorable David Redwine of Brunswick County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2011.

SECTION 1.60. Clement Geitner of Catawba County is appointed to the Board of Trustees of the University of North Carolina Center for Public Television for a term expiring on June 30, 2009.

SECTION 1.61. Raymond W. Magette, Jr. of Hertford County and Tarrell B. Graham of Moore County are appointed to the Well Contractors Certification Commission for terms expiring on June 30, 2010.

SECTION 1.62. Van Phillips of Mitchell County, Harris Prevost of Avery County, Reese Lasher of Buncombe County, and Eugene E. Ellison of Buncombe County are appointed to the Western North Carolina Regional Economic Development Commission (AdvantageWest) for terms expiring on June 30, 2011.

SECTION 1.63. Dr. Timothy J. Langer of Wake County, Durwood S. Laughinghouse of Wake County, Mitch St. Clair of Beaufort County, and Charles W. "Chuck" Bennett of Mecklenburg County are appointed to the North Carolina Wildlife Resources Commission for terms expiring on June 30, 2009.

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SECTION 1.64. Sheriff Alan Cloninger of Gaston County and Jerry O. Jones of Wake County are appointed to the Wireless 911 Board for terms expiring on June 30, 2009.

PART II. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS.

SECTION 2.1.(a) Andy Prescott of Orange County is to be appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2010.

SECTION 2.1.(b) If House Bill 1650, 2007 Regular Session, becomes law, then David Peters of Wake County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2010.

SECTION 2.2. Jimmy Harrell of Camden County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on July 30, 2010.

SECTION 2.4. Dr. Paul V. Phibbs of Pitt County is appointed to the Board of Directors of the North Carolina Arboretum with a term to expire June 30, 2010, to fill the unexpired term of Gladys Brooks.

SECTION 2.5. The Honorable George Daniel of Caswell County, Frank Daniels of Wake County, Reef Ivey of Wake County, the Honorable Wendell Murphy of Duplin County, and Matt Wood of Perquimans County are appointed to the Centennial Authority for terms expiring on June 30, 2011.

SECTION 2.6. Penny Davis of Rutherford County and Magdalena Cruz of Nash County are appointed to the Child Care Commission for terms expiring on June 30, 2009.

SECTION 2.7. Dr. Ron Waller of Wake County is appointed to the State Board of Chiropractic Examiners for a term expiring on June 30, 2010.

SECTION 2.8. Richard Coleman of Columbus County and Dr. Lloyd Hackley of Orange County are appointed to the Clean Water Management Trust Fund Board of Trustees for a term expiring on July 1, 2011.

SECTION 2.9. James Kennedy of Forsyth County and William Rakatansky of Mecklenburg County are appointed to the North Carolina Code Officials Qualification Board for terms expiring on June 30, 2011.

SECTION 2.10. Robert Lewis of Wake County, Terry Waterfield of Pasquotank County, Bonnie Boyette of Nash County, and Wade Anders of Cumberland County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2009.

SECTION 2.11. Joe Castro of Transylvania County is appointed to the Disciplinary Hearings Committee of the North Carolina State Bar for a term expiring on June 30, 2010.

SECTION 2.12. Effective September 1, 2007, Karen Thompson of Mecklenburg County, Lynn Bryant of Dare County, John Guard of Pitt County, Linda Hold-Cox of Wayne County, and Betsy Wells of Orange County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2009.

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SECTION 2.13. Dick Futrell of Carteret County and Leigh McNairy of Lenoir County are appointed to the North Carolina's Eastern Region Development Commission for terms expiring on June 30, 2011.

SECTION 2.14. Effective January 22, 2007, W. Harrell Everett of Wayne County is appointed to the Economic Investment Committee for a term expiring on January 21, 2009.

SECTION 2.15.(a) Effective January 1, 2008, Jon Hamm of Wake County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2008.

SECTION 2.15.(b) Effective January 1, 2008, Bunny Sanders of Washington County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2009.

SECTION 2.15.(c) Effective January 1, 2008, John Bardo of Orange County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2010.

SECTION 2.16. Stan Crowe of Martin County, Freddie Harrill of Cleveland County, and Forrest Westfall of Yancey County are appointed to the Environmental Management Commission for terms expiring on June 30, 2009.

SECTION 2.17. Reginald Kenan of Duplin County, Earl Brinkley of Duplin County, and Durwood Stephenson of Johnston County are appointed to the Board of Directors of North Carolina Global TransPark Authority for terms expiring on June 30, 2011.

SECTION 2.18. David Jones of Orange County is appointed to the North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2011.

SECTION 2.19. Patricia Garrett of Mecklenburg County is appointed to the North Carolina Housing Finance Agency for a term expiring on June 30, 2011.

SECTION 2.20. The Honorable Ted Alexander of Cleveland County and Sallie Surface of Northampton County are appointed to the North Carolina Housing Partnership for terms expiring on August 31, 2008, to fill the unexpired terms of Vivian Jones and Jeffrey Null.

SECTION 2.21. Paul Brooks of Robeson County is appointed to the North Carolina State Commission of Indian Affairs for a term expiring on June 30, 2009.

SECTION 2.22. Kathryn Ahlport of Guilford County, the Honorable Katie Dorsett of Guilford County, Marian Duncan of Columbus County, the Honorable Jim Forrester of Gaston County, Gladys Lundy of Wake County, Jo Morgan of Pitt County, the Honorable Bill Purcell of Scotland County, Carolyn Tracy of Cumberland County, and Dr. Rosemary Summers of Orange County are appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for terms expiring on June 30, 2009.

SECTION 2.23. Effective January 1, 2007, Ken Burkel of Forsyth County, William Faircloth of Mecklenburg County, Jan Hill of Forsyth County, and Lloyd Jordan of Durham County are appointed to the License to Give Trust Fund Commission for a term expiring on December 31, 2009.

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SECTION 2.24. Effective December 15, 2007, Bridget-Anne Hampden of Mecklenburg County is appointed to the North Carolina State Lottery Commission for a term expiring on December 14, 2012.

SECTION 2.25. Johnnie Burgess of Onslow County and Larry Garner of Mecklenburg County are appointed to the North Carolina Manufactured Housing Board for terms expiring on June 30, 2010.

SECTION 2.26. Dr. Richard Brunstetter of Forsyth County and Pamela Poteat of Gaston County are appointed to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services for terms expiring on June 30, 2010.

SECTION 2.27. Dr. Dudley Anderson of Wilson County and Dr. Joan Huntley of Orange County are appointed to the Board of Trustees of the North Carolina Museum of Art for terms expiring on June 30, 2009.

SECTION 2.28. Effective January 1, 2008, Robert Gordon of Scotland County and Samuel P. Douglas of Wilson County are appointed to the Natural Heritage Trust Fund Board of Trustees for terms expiring on January 1, 2014.

SECTION 2.29. Ernie Bowden of Currituck County, Ray Hollowell of Dare County, Elsie Pugh of Camden County, the Honorable Gene Rogers of Martin County, Robert Spivey of Bertie County, and David Twiddy of Pasquotank County are appointed to the Northeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2009.

SECTION 2.30. Carole Ricker of Randolph County and Gail Gribble of Gaston County are appointed to the Board of Directors of the North Carolina Center for Nursing for terms expiring on June 30, 2009.

SECTION 2.31. Wanda Boyette of Sampson County is appointed to the North Carolina Nursing Scholars Commission for a term expiring on June 30, 2011.

SECTION 2.32. Tim Aydlett of Perquimans County is appointed to the North Carolina Parks and Recreation Authority for a term expiring on July 1, 2010.

SECTION 2.33. Michael Barnes of Wilson County, Anne Coan of Wake County, Michael Hare of Perquimans County, Thomas Mehder of Mecklenburg County, and Douglas Howey of Wake County are appointed to the North Carolina Petroleum Underground Storage Tank Funds Council for terms expiring on June 30, 2009.

SECTION 2.34. Johnny I. Farmer of Wake County is appointed to the North Carolina Principal Fellows Commission for a term expiring on June 30, 2011.

SECTION 2.35. Terry Wheeler of Dare County is appointed to the Property Tax Commission for a term expiring on June 30, 2011.

SECTION 2.36. Dexter Perry of Wake County is appointed to the North Carolina Public Employee Deferred Compensation Plan Board of Trustees for a term expiring on June 30, 2009.

SECTION 2.37. David Walker of Robeson County is appointed to the Public Officers and Employees Liability Insurance Commission for a term expiring on June 30, 2011.

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SECTION 2.38. Anthony Copeland of Wake County and Martin H. Bocock of Wake County are appointed to the North Carolina Agency for Public Telecommunications for terms expiring on June 30, 2009.

SECTION 2.39. Dennis Rash of Mecklenburg County and Robert F. Bleeker of Cumberland County are appointed to the North Carolina Railroad Board of Directors for terms expiring on June 30, 2011.

SECTION 2.40. Tod Clissold of Dare County, Punk Daniels of Dare County, and Glenn Eure of Dare County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2009.

SECTION 2.41. Jim Funderburke of Gaston County, Jeff Gray of Wake County, David R. Twiddy of Pasquotank County, Keith Gregory of Wake County, and Jerry Crisp of Burke County are appointed to the Rules Review Commission for terms expiring on June 30, 2009.

SECTION 2.42. Russell Stetson of Dare County is appointed to the North Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2009.

SECTION 2.43. The Honorable Rodney Midgett of Dare County is appointed to the North Carolina Sheriff's Education and Training Standards Commission for a term expiring on June 30, 2009.

SECTION 2.44. James Beeson of Guilford County is appointed to the North Carolina Board for the Licensing of Soil Scientists for a term expiring on June 30, 2010.

SECTION 2.45. J. C. Batchelor of Bladen County and Delilah Blanks of Columbus County are appointed to the Southeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2011.

SECTION 2.46. Paul Boney of New Hanover County is appointed to the State Building Commission for a term expiring on June 30, 2010.

SECTION 2.47. William Winn of Gates County is appointed to the State Fire and Rescue Commission for a term expiring on June 30, 2010.

SECTION 2.48. Derryl Garner of Carteret County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2009.

SECTION 2.49. Gail Gadsden of Durham County, Jenny Eakins of Nash County, and Dorothy Crowe of Person County are appointed to the North Carolina Teacher Academy Board of Trustees for terms expiring on June 30, 2011.

SECTION 2.50. Timothy Kever of Alexander County is appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June 30, 2009.

SECTION 2.51.(a) Dr. Jane Norwood of Mecklenburg County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 30, 2009, to fill the unexpired term of Dr. Leroy Walker.

SECTION 2.51.(b) Colleen Lanier of Forsyth County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 20, 2011.

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SECTION 2.52. Effective October 1, 2007, Ken Farmer of Wake County, David Good of Forsyth County, and Elsie Seibelink of Pitt County are appointed to the North Carolina Traumatic Brain Injury Advisory Council for terms expiring on September 30, 2011.

SECTION 2.53. Effective January 15, 2007, Robert Spencer of Gaston County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2011.

SECTION 2.54. Ashley Thrift of Forsyth County is appointed to the Board of Trustees for the University of North Carolina Center for Public Television for a term expiring on June 30, 2009.

SECTION 2.55. J. W. Davis of Henderson County, Tommy Jenkins of Macon County, Samuel Neill of Henderson County, Wanda Profitt of Yancey County, and Paul Szurek of Buncombe County are appointed to the Western North Carolina Regional Economic Development Commission (AdvantageWest) for terms expiring on June 30, 2011.

SECTION 2.56. Dell Murphy of Duplin County, Maughn Hull of Pasquotank County, Eugene Price of Wayne County, and Bobby Purcell of Wake County are appointed to the Wildlife Resources Commission for terms expiring on June 30, 2009.

SECTION 2.57. Wesley E. Reid of Guilford County is appointed to the Wireless 911 Board for a term expiring on June 30, 2009, to fill the unexpired term of Betty Dobson.

PART III. EFFECTIVE DATE.

SECTION 3.1. The headings to the parts and sections of this act are a convenience to the reader and are for reference only.

SECTION 3.2. Unless otherwise specified, all appointments made by this act are for terms to begin upon ratification of this act.

SECTION 3.3. This act is effective when it becomes law.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for immediate consideration.

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.

RECONSIDERATION

S.B. 1211 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE FINGERPRINTING OF ANY PERSON ARRESTED FOR ANY OFFENSES INVOLVING IMPAIRED DRIVING OR FOR DRIVING WHILE LICENSE REVOKED, for concurrence in House Amendment No. 1.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate failed to concur in House Amendment No. 1 on July 31 be reconsidered, which motion prevails. The question before the Body is concurrence in House Amendment No. 1.

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Upon motion of Senator Rand, the Senate concurs in House Amendment No. 1 (45-0) and the bill is ordered enrolled and sent to the Governor by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rand for the **Select Committee on Employee Hospital and Medical Benefits**:

H.B. 1593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO CHANGE ITS PLAN YEAR FROM A FISCAL YEAR TO A CALENDAR YEAR, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 60410, which changes the title upon concurrence to read **H.B. 1593** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE EXECUTIVE ADMINISTRATOR OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PREPARE TO CHANGE THE STATE HEALTH PLAN FROM A FISCAL YEAR TO A CALENDAR YEAR, 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 for immediate consideration.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1435 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF FUNERAL SERVICE, MUTUAL BURIAL ASSOCIATIONS, PRENEED FUNERAL FUNDS, AND CREMATIONS for concurrence in House Amendments No. 1 and No. 2.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill, as amended, is placed on today's Calendar for immediate consideration for concurrence in House Amendments No. 1 and No. 2.

Upon motion of Senator Atwater, the Senate concurs in House Amendments No. 1 and No. 2 (41-4) and the bill is ordered enrolled and sent to the Governor by special message.

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APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1304 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE USE OF REMAINING END-OF-YEAR TUITION ASSISTANCE PROGRAM FUNDS FOR REPAYMENT OF OUTSTANDING ELIGIBLE STUDENT LOANS FOR DEPLOYED MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD.

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. 1304 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Snow, Chair, Senator Malone 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.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 679 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in Senate Amendment No. 1 for H.B. 679 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Jenkins, 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.

RECONSIDERATION

H.B. 1556 (Conference Report), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Conference Report was adopted earlier today be reconsidered, which motion prevails (40-0). The question before the Body becomes the adoption of the Conference Report.

Upon motion of Senator Rand, the Conference Report is re-referred to the Conference Committee.

The Chair grants a leave of absence for the remainder of today's session to Senator East.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 613 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER TECHNICAL CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, for concurrence in the House Committee Substitute bill, as amended.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill, as amended, is placed on today's Calendar for concurrence.

The Senate recesses at 4:51 P.M. for the purpose of a Finance Committee meeting and a Judiciary II Committee meeting, to reconvene at 6:00 P.M. subject to receipt of messages from the House of Representatives, receipt of conference reports, receipt of committee reports and ratification of bills.

RECESS**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 726 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE OF LASER HAIR PRACTITIONERS AND LASER HAIR PRACTITIONER INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE CERTIFICATIONS, with a favorable report.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

CONFERENCE REPORT

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 509** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS

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INSPECTION REQUIREMENT WHILE ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO AMEND PENALTY PROVISIONS, 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 509, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO AMEND PENALTY PROVISIONS, House Committee Substitute Favorable 7/25/07, submit the following report:

The House and Senate agree to the following amendments to the House Committee Substitute Favorable 7/25/07, and the Senate concurs in the House Committee Substitute Favorable 7/25/07 as amended:

On page 2, line 19, through page 3, line 10, by deleting the lines and substituting the following:

"SECTION 3. G.S. 20-183.8A reads as rewritten:

'§ **20-183.8A. Civil penalties against motorists for emissions violations; waiver.**

(a) Civil Penalties. – The Division shall assess a civil penalty against a person who owns or leases a vehicle that is subject to an emissions inspection and who does any of the following:

- (1) Fails to have the vehicle inspected within four months after it is required to be inspected under this Part.
- (2) Instructs or allows a person to tamper with an emission control device of the vehicle so as to make the device inoperative or fail to work properly.
- (3) Incorrectly states the county of registration of the vehicle to avoid having an emissions inspection of the vehicle.

The amount of penalty is one hundred dollars (\$100.00) if the vehicle is a pre-1981 vehicle and two hundred fifty dollars (\$250.00) if the vehicle is a 1981 or newer model vehicle. As provided in G.S. 20-54, the registration of a vehicle may not be renewed until a penalty imposed under this section has been paid.

(b) Waiver. – The Division must waive the civil penalty assessed under subdivision (a)(1) of this section against a person who establishes the following:

- (1) The person was continuously out of the State on active military duty from the date the inspection sticker expired to the date the four-month grace period expired.

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- (2) No person operated the vehicle from the date the inspection sticker expired to the date the four-month grace period expired.
- (3) The person obtained a current inspection sticker within 30 days after returning to the State.'

SECTION 4. G.S. 20-183.8A(a), as enacted by Section 3 of this act, reads as rewritten:

(a) Civil Penalties. – The Division ~~shall~~ must assess a civil penalty against a person who owns or leases a vehicle that is subject to an emissions inspection and who ~~does any of the following: engages in any of the emissions violations set out in this subsection.~~ As provided in G.S. 20-54, the registration of a vehicle may not be renewed until a penalty imposed under this subsection has been paid. The civil penalties and violations are as follows:

- (1) ~~Fails Fifty dollars (\$50.00) for failure~~ to have the vehicle inspected within four months after it is required to be inspected under this Part.
- (2) ~~Instructs or allows Two hundred fifty dollars (\$250.00) for instructing or allowing~~ a person to tamper with an emission control device of the vehicle so as to make the device inoperative or fail to work properly.
- (3) ~~Incorrectly states Two hundred fifty dollars (\$250.00) for incorrectly stating~~ the vehicle's county of registration of the vehicle to avoid having an emissions inspection of the vehicle.

~~The amount of penalty is one hundred dollars (\$100.00) if the vehicle is a pre 1981 vehicle and two hundred fifty dollars (\$250.00) if the vehicle is a 1981 or newer model vehicle. As provided in G.S. 20-54, the registration of a vehicle may not be renewed until a penalty imposed under this section has been paid.'~~

SECTION 5. Sections 1 and 2 of this act become effective January 1, 2009. Section 4 of this act becomes effective July 1, 2008, and applies to civil penalties assessed for violations committed on or after that date. The remainder of this act is effective when it becomes law, and applies to civil penalties assessed for violations committed on or after that date."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

Conferees for the Senate

Conferees for the House of Representatives

S/Clark Jenkins, Chair

S/Grier Martin, Chair

S/David W. Hoyle

S/Rick Glazier

S/Harry Brown

S/Charles C. Thomas

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

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CONFERENCE REPORT

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 679** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION, 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 679, A BILL TO BE ENTITLED AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION, Committee Substitute #2 Favorable 7/19/07, submit the following report:

The Senate recesses from amendment #1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

Conferees for the Senate *Conferees for the House of Representatives*

S/Clark Jenkins, Chair	S/Nelson Cole, Chair
S/David W. Hoyle	S/Becky Carney
S/Jerry W. Tillman	S/Drew Saunders
	S/Daniel F. McComas
	S/Louis M. Pate, Jr.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

The Senate meets pursuant to recess and is called to order by the Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Pittenger.

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CALENDAR (*continued*)

S.B. 509 (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO AMEND PENALTY PROVISIONS, placed earlier on today's Calendar, for adoption.

Upon motion of Senator Jenkins, the Senate adopts the Conference Report (42-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1556** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, 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 1556, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, Senate Rules and Operations of the Senate Committee Substitute Adopted 8/1/07, submit the following report:

The House concurs in the Senate Rules and Operations of the Senate Committee Substitute Adopted 8/1/07, with an amendment:

Delete the entire Senate Rules and Operations of the Senate Committee Substitute Adopted 8/1/07, and substitute the attached Proposed Conference Committee Substitute H1556-PCCS50777-LG-2.

The Senate agrees to the same.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

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*Conferees for the Senate**Conferees for the House of Representatives*S/Tony Rand, Chair
S/David W. HoyleS/Bill Owens, Chair
S/Dewey L. Hill
S/Harold J. Brubaker
S/Dan Blue

The text of the attached Proposed Conference Committee Substitute, H1556-PCCS50777-LG-2 is as follows:

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate; and

Whereas, the Speaker of the House of Representatives and the President Pro Tempore have made recommendations; Now, therefore, The General Assembly of North Carolina enacts:

PART I. SPEAKER'S RECOMMENDATIONS.

SECTION 1.1. If House Bill 1650, 2007 Regular Session, becomes law, then Nancy Davison of Wake County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2010.

SECTION 1.2. Thomas "Tommy" J. Emerson of Chatham County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on July 1, 2010.

SECTION 1.3. Harold K. Hart of Chatham County and Michael Weeks of Wake County are appointed to the Centennial Authority for terms expiring on June 30, 2011.

SECTION 1.4. Mary Roberts of Orange County and Linda LaRue of Forsyth County are appointed to the Child Care Commission for terms expiring on June 30, 2009.

SECTION 1.5. David Yarasheski, D.C., of Durham County is appointed to the State Board of Chiropractic Examiners for a term expiring on June 30, 2009.

SECTION 1.6. Dr. Norman C. Camp, III of Wake County is appointed to the Clean Water Management Trust Fund Board of Trustees for a term expiring on July 1, 2011.

SECTION 1.7. Mark H. Hicks of Granville County and Hiram Williams of Pender County are appointed to the North Carolina Code Officials Qualification Board for terms expiring on June 30, 2011.

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SECTION 1.8. Ellen B. Scouten of Chatham County is appointed to the Crime Victims Compensation Commission for a term expiring on June 30, 2011.

SECTION 1.9. Richard J. Armstrong of Wake County, the Honorable James K. Festerman of Rockingham County, Vernon Julius Bryant of Halifax County, and Kevin Wallace of Wake County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2009.

SECTION 1.10. Donnie O. Holt of Forsyth County and Barker French of Durham County are appointed to the North Carolina Criminal Justice Information Network Governing Board for terms expiring on June 30, 2011.

SECTION 1.11. Effective September 1, 2007, the Honorable Beverly A. Scarlett of Orange County and Maria Pinto of Pitt County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2009.

SECTION 1.12. John D. Chaffee of Pitt County and Billy Wooten of Edgecombe County are appointed to the North Carolina's Eastern Region Development Commission for terms expiring on June 30, 2011.

SECTION 1.13. Representative Marvin W. Lucas of Cumberland County is appointed to the Education Commission of the States for a term expiring on June 30, 2008.

SECTION 1.14. Effective September 1, 2007, Elizabeth Fisher of New Hanover County is appointed to the North Carolina Board of Electrolysis Examiners for a term expiring on August 31, 2010.

SECTION 1.15. Effective January 1, 2007, Carl R. McKnight of Lincoln County is appointed to the North Carolina Emergency Medical Services Advisory Council for a term expiring on December 31, 2011.

SECTION 1.16.(a) Effective January 1, 2008, the Honorable Foyle Hightower, Jr., of Anson County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2008.

SECTION 1.16.(b) Effective January 1, 2008, the Honorable Stanley H. Fox of Granville County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2009.

SECTION 1.16.(c) Effective January 1, 2008, the Honorable Wayne Goodwin of Richmond County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2010.

SECTION 1.17. John S. Curry of Buncombe County and Steven D. Weber of Mecklenburg County are appointed to the Environmental Management Commission for terms expiring on June 30, 2009.

SECTION 1.18. Gordon Vermillion of Lenoir County and Barbara R. Kornegay of Wayne County are appointed to the Board of Directors of North Carolina Global TransPark Authority for terms expiring on June 30, 2011.

SECTION 1.19. Terry B. Todd of Wake County is appointed to the North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2011.

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SECTION 1.20. William C. Lackey, Jr. of Mecklenburg County, William C. Fitzgerald, III of Scotland County, James W. Oglesby of Buncombe County, and Paul S. Jaber of Nash County are appointed to the North Carolina Housing Finance Agency for terms expiring on June 30, 2009.

SECTION 1.21. Representative Jennifer Weiss of Wake County, Representative Arthur J. Williams of Beaufort County, Representative Larry W. Womble of Forsyth County, Karen Anne McCall of Durham County, the Honorable Norman A. Mitchell, Sr. of Mecklenburg County, Denise Barratt of Johnston County, W. Robert Bizzell of Lenoir County, and Sylvia Coleman of Guilford County are appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for terms expiring on June 30, 2009.

SECTION 1.22. Jens Saakvitne of Forsyth County is appointed to the License to Give Trust Fund Commission for a term expiring on December 31, 2008, to fill the unexpired term of Jeannette K. Poole.

SECTION 1.23. W. Calvin "Cal" Horton of Orange County is appointed to the Local Government Commission for a term expiring on June 30, 2009, to fill the unexpired term of David Huskins.

SECTION 1.24. Effective January 1, 2007, Larry K. Hayes of Lenoir County is appointed to the North Carolina Locksmith Licensing Board for a term expiring on December 31, 2010.

SECTION 1.25. Effective September 1, 2007, Max O. Cogburn, Jr. of Buncombe County is appointed to the North Carolina State Lottery Commission for a term expiring on August 31, 2012.

SECTION 1.26. LeAnder Canady of Guilford County and Sally Schornstheimer of Orange County are appointed to the Board of Trustees of the North Carolina Museum of Art for terms expiring on June 30, 2009.

SECTION 1.27. Effective January 1, 2008, Dr. Alan S. Weakley of Chatham County and Henry L. Kitchin of Brunswick County are appointed to the Natural Heritage Trust Fund Board of Trustees for terms expiring on January 1, 2014.

SECTION 1.28.(a) Effective July 1, 2006, the Honorable Zeno L. Edwards, Jr. of Beaufort County is appointed to the Northeastern North Carolina Regional Economic Development Commission for a term expiring on June 30, 2008.

SECTION 1.28.(b) Eddie J. Lynch of Currituck County, the Honorable Thomas B. Richter of Beaufort County, and the Honorable Drewery N. Beale of Halifax County are appointed to the Northeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2009.

SECTION 1.29. Effective January 1, 2007, Martha Ann Harrell of Cumberland County is appointed to the North Carolina Board of Nursing for a term expiring on December 31, 2011.

SECTION 1.30. Connie Moore Corey of Pitt County is appointed to the North Carolina Nursing Scholars Commission for a term expiring on June 30, 2011.

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SECTION 1.31. The Honorable Edd Nye of Bladen County is appointed to the Board of Directors of the North Carolina Center for Nursing for a term expiring on June 30, 2008, to fill an unexpired term.

SECTION 1.32. Robert L. Epting of Orange County and Thomas S. Blue of Moore County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on July 1, 2010.

SECTION 1.33. Lloyd Williams, Jr. of Cleveland County, Bennie Gupton of Franklin County, Ralph Heath of Wake County, and Waheed Haq of Wake County are appointed to the North Carolina Petroleum Underground Storage Tank Funds Council for terms expiring on June 30, 2009.

SECTION 1.34. Dr. George Frazier of Pitt County is appointed to the North Carolina Principal Fellows Commission for a term expiring on June 30, 2011.

SECTION 1.35. Notwithstanding the provisions of G.S. 74C-4(b), Sally K. Pleasant of Stanly County and Mack Donaldson of Guilford County are appointed to the Private Protective Services Board for terms expiring on June 30, 2009.

SECTION 1.36. Effective January 1, 2007, William D. English of Buncombe County is appointed to the North Carolina Professional Employer Organization Advisory Council for a term expiring on December 31, 2010.

SECTION 1.37. The Honorable Wade F. Wilmoth of Watauga County is appointed to the Property Tax Commission for a term expiring on June 30, 2011.

SECTION 1.38. Janet Pittard of Wake County is appointed to the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan for a term expiring on June 30, 2009.

SECTION 1.39. Joseph R. Kluttz, Jr. of Stanly County is appointed to the Public Officers and Employees Liability Insurance Commission for a term expiring on June 30, 2011.

SECTION 1.40. The Honorable James H. Edwards of Caldwell County and Herbert Crenshaw of Wake County are appointed to the North Carolina Agency for Public Telecommunications for terms expiring on June 30, 2009.

SECTION 1.41. Robert W. Griffin of Lenoir County and the Honorable R. Samuel Hunt, III of Alamance County are appointed to the North Carolina Railroad Company Board of Directors for terms expiring on June 30, 2011.

SECTION 1.42. Bunkey Morgan of Chatham County is appointed to the North Carolina Recreational Therapy Licensure Board for a term expiring on June 30, 2010.

SECTION 1.43. Effective October 1, 2007, Thomas E. Brooks of Wake County, Walter E. Daniels of Durham County, and O. Rolf Blizzard, III of Wake County are appointed to the Roanoke Island Commission for terms expiring on September 30, 2009.

SECTION 1.44. The Honorable Clarence E. Horton, Jr. of Cabarrus County, Jennie Jarrell Hayman of Wake County, and Daniel F.

McLawhorn of Wake County are appointed to the Rules Review Commission for terms expiring on June 30, 2009.

SECTION 1.45. Hughley B. Spruill, Sr. of Cumberland County and Richard J. Richardson of Chatham County are appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for terms expiring on June 30, 2009.

SECTION 1.46. W. Hugh Thompson of Wake County is appointed to the North Carolina Board of Science and Technology for a term expiring on June 30, 2009.

SECTION 1.47. Gwen A. White of Tyrrell County is appointed to the North Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2009.

SECTION 1.48. John B. Allison of Haywood County is appointed to the North Carolina Board for Licensing of Soil Scientists for a term expiring on June 30, 2010.

SECTION 1.49. Wyatt G. Upchurch of Hoke County and George Rountree, III of New Hanover County are appointed to the Southeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2011.

SECTION 1.50. R. A. "Bob" Southerland of Wake County is appointed to the State Banking Commission for a term expiring on June 30, 2011.

SECTION 1.51. James T. Driscoll, Jr. of Robeson County is appointed to the State Building Commission for a term expiring on June 30, 2010.

SECTION 1.52. John Wayne Strowd, Jr. of Chatham County is appointed to the State Fire and Rescue Commission for a term expiring on June 30, 2010.

SECTION 1.53. Jesse S. Capel of Montgomery County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2009.

SECTION 1.54. Michelle Capen of Caldwell County and Monica Lowry Graham of Robeson County are appointed to the North Carolina Teacher Academy Board of Trustees for terms expiring on June 30, 2011.

SECTION 1.55. Lacey P. Barnes of Johnston County is appointed to the Board of Trustees of Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 2009.

SECTION 1.56. Alfred J. Hackney, Jr. of Columbus County is appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June 30, 2009.

SECTION 1.57. Dr. Thomas Dowell of Jackson County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 30, 2011.

SECTION 1.58. Effective October 1, 2007, Elizabeth Stock Newlin of Wake County, Anne King of Wake County, and Dr. Scott G. Sgraves of Pitt County are appointed to the North Carolina Traumatic Brain Injury Advisory Council for terms expiring on September 30, 2011.

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SECTION 1.59. Effective January 15, 2007, the Honorable David Redwine of Brunswick County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2011.

SECTION 1.60. Clement Geitner of Catawba County is appointed to the Board of Trustees of the University of North Carolina Center for Public Television for a term expiring on June 30, 2009.

SECTION 1.61. Raymond W. Magette, Jr. of Hertford County and Tarrell B. Graham of Moore County are appointed to the Well Contractors Certification Commission for terms expiring on June 30, 2010.

SECTION 1.62. Van Phillips of Mitchell County, Harris Prevost of Avery County, Reese Lasher of Buncombe County, and Eugene E. Ellison of Buncombe County are appointed to the Western North Carolina Regional Economic Development Commission (AdvantageWest) for terms expiring on June 30, 2011.

SECTION 1.63. Dr. Timothy J. Langer of Wake County, Durwood S. Laughinghouse of Wake County, Mitch St. Clair of Beaufort County, and Charles W. "Chuck" Bennett of Mecklenburg County are appointed to the North Carolina Wildlife Resources Commission for terms expiring on June 30, 2009.

SECTION 1.64. Sheriff Alan Cloninger of Gaston County and Jerry O. Jones of Wake County are appointed to the Wireless 911 Board for terms expiring on June 30, 2009.

PART II. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS.

SECTION 2.1.(a) Andy Prescott of Orange County is to be appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2010.

SECTION 2.1.(b) If House Bill 1650, 2007 Regular Session, becomes law, then David Peters of Wake County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2010.

SECTION 2.2. Jimmy Harrell of Camden County is appointed to the North Carolina Agricultural Finance Authority for a term expiring on July 30, 2010.

SECTION 2.4. Dr. Paul V. Phibbs of Pitt County is appointed to the Board of Directors of the North Carolina Arboretum with a term to expire June 30, 2010, to fill the unexpired term of Gladys Brooks.

SECTION 2.5. The Honorable George Daniel of Caswell County, Frank Daniels of Wake County, Reef Ivey of Wake County, the Honorable Wendell Murphy of Duplin County, and Matt Wood of Perquimans County are appointed to the Centennial Authority for terms expiring on June 30, 2011.

SECTION 2.6. Penny Davis of Rutherford County and Magdalena Cruz of Nash County are appointed to the Child Care Commission for terms expiring on June 30, 2009.

SECTION 2.7. Dr. Ron Waller of Wake County is appointed to the State Board of Chiropractic Examiners for a term expiring on June 30, 2010.

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SECTION 2.8. Richard Coleman of Columbus County and Dr. Lloyd Hackley of Orange County are appointed to the Clean Water Management Trust Fund Board of Trustees for a term expiring on July 1, 2011.

SECTION 2.9. James Kennedy of Forsyth County and William Rakatansky of Mecklenburg County are appointed to the North Carolina Code Officials Qualification Board for terms expiring on June 30, 2011.

SECTION 2.10. Robert Lewis of Wake County, Terry Waterfield of Pasquotank County, Bonnie Boyette of Nash County, and Wade Anders of Cumberland County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2009.

SECTION 2.11. Joe Castro of Transylvania County is appointed to the Disciplinary Hearings Committee of the North Carolina State Bar for a term expiring on June 30, 2010.

SECTION 2.12. Effective September 1, 2007, Karen Thompson of Mecklenburg County, Lynn Bryant of Dare County, John Guard of Pitt County, Linda Hold-Cox of Wayne County, and Betsy Wells of Orange County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2009.

SECTION 2.13. Dick Futrell of Carteret County and Leigh McNairy of Lenoir County are appointed to the North Carolina's Eastern Region Development Commission for terms expiring on June 30, 2011.

SECTION 2.14. Effective January 22, 2007, W. Harrell Everett of Wayne County is appointed to the Economic Investment Committee for a term expiring on January 21, 2009.

SECTION 2.15.(a) Effective January 1, 2008, Jon Hamm of Wake County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2008.

SECTION 2.15.(b) Effective January 1, 2008, Bunny Sanders of Washington County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2009.

SECTION 2.15.(c) Effective January 1, 2008, John Bardo of Orange County is appointed to the e-NC Authority Commission for a term expiring on December 31, 2010.

SECTION 2.16. Stan Crowe of Martin County, Freddie Harrill of Cleveland County, and Forrest Westfall of Yancey County are appointed to the Environmental Management Commission for terms expiring on June 30, 2009.

SECTION 2.17. Reginald Kenan of Duplin County, Earl Brinkley of Duplin County, and Durwood Stephenson of Johnston County are appointed to the Board of Directors of North Carolina Global TransPark Authority for terms expiring on June 30, 2011.

SECTION 2.18. David Jones of Orange County is appointed to the North Carolina Home Inspector Licensure Board for a term expiring on July 1, 2011.

SECTION 2.19. Patricia Garrett of Mecklenburg County is appointed to the North Carolina Housing Finance Agency for a term expiring on June 30, 2011.

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SECTION 2.20. The Honorable Ted Alexander of Cleveland County and Sallie Surface of Northampton County are appointed to the North Carolina Housing Partnership for terms expiring on August 31, 2008, to fill the unexpired terms of Vivian Jones and Jeffrey Null.

SECTION 2.21. Paul Brooks of Robeson County is appointed to the North Carolina State Commission of Indian Affairs for a term expiring on June 30, 2009.

SECTION 2.22. Kathryn Ahlport of Guilford County, the Honorable Katie Dorsett of Guilford County, Marian Duncan of Columbus County, the Honorable Jim Forrester of Gaston County, Gladys Lundy of Wake County, Jo Morgan of Pitt County, the Honorable Bill Purcell of Scotland County, Carolyn Tracy of Cumberland County, and Dr. Rosemary Summers of Orange County are appointed to the Justus-Warren Heart Disease and Stroke Prevention Task Force for terms expiring on June 30, 2009.

SECTION 2.23. Effective January 1, 2007, Ken Burkel of Forsyth County, William Faircloth of Mecklenburg County, Jan Hill of Forsyth County, and Lloyd Jordan of Durham County are appointed to the License to Give Trust Fund Commission for a term expiring on December 31, 2009.

SECTION 2.24. Effective December 15, 2007, Bridget-Anne Hampden of Mecklenburg County is appointed to the North Carolina State Lottery Commission for a term expiring on December 14, 2012.

SECTION 2.25. Johnnie Burgess of Onslow County and Larry Garner of Mecklenburg County are appointed to the North Carolina Manufactured Housing Board for terms expiring on June 30, 2010.

SECTION 2.26. Dr. Richard Brunstetter of Forsyth County and Pamela Poteat of Gaston County are appointed to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services for terms expiring on June 30, 2010.

SECTION 2.27. Dr. Dudley Anderson of Wilson County and Dr. Joan Huntley of Orange County are appointed to the Board of Trustees of the North Carolina Museum of Art for terms expiring on June 30, 2009.

SECTION 2.28. Effective January 1, 2008, Robert Gordon of Scotland County and Samuel P. Douglas of Wilson County are appointed to the Natural Heritage Trust Fund Board of Trustees for terms expiring on January 1, 2014.

SECTION 2.29. Ernie Bowden of Currituck County, Ray Hollowell of Dare County, Elsie Pugh of Camden County, the Honorable Gene Rogers of Martin County, Robert Spivey of Bertie County, and David Twiddy of Pasquotank County are appointed to the Northeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2009.

SECTION 2.30. Carole Ricker of Randolph County and Gail Gribble of Gaston County are appointed to the Board of Directors of the North Carolina Center for Nursing for terms expiring on June 30, 2009.

SECTION 2.31. Wanda Boyette of Sampson County is appointed to the North Carolina Nursing Scholars Commission for a term expiring on June 30, 2011.

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SECTION 2.32. Tim Aydlett of Perquimans County is appointed to the North Carolina Parks and Recreation Authority for a term expiring on July 1, 2010.

SECTION 2.33. Michael Barnes of Wilson County, Anne Coan of Wake County, Michael Hare of Perquimans County, Thomas Mehder of Mecklenburg County, and Douglas Howey of Wake County are appointed to the North Carolina Petroleum Underground Storage Tank Funds Council for terms expiring on June 30, 2009.

SECTION 2.34. Johnny I. Farmer of Wake County is appointed to the North Carolina Principal Fellows Commission for a term expiring on June 30, 2011.

SECTION 2.35. Terry Wheeler of Dare County is appointed to the Property Tax Commission for a term expiring on June 30, 2011.

SECTION 2.36. Dexter Perry of Wake County is appointed to the North Carolina Public Employee Deferred Compensation Plan Board of Trustees for a term expiring on June 30, 2009.

SECTION 2.37. David Walker of Robeson County is appointed to the Public Officers and Employees Liability Insurance Commission for a term expiring on June 30, 2011.

SECTION 2.38. Anthony Copeland of Wake County and Martin H. Boccock of Wake County are appointed to the North Carolina Agency for Public Telecommunications for terms expiring on June 30, 2009.

SECTION 2.39. Dennis Rash of Mecklenburg County and Robert F. Bleeker of Cumberland County are appointed to the North Carolina Railroad Board of Directors for terms expiring on June 30, 2011.

SECTION 2.40. Tod Clissold of Dare County, Punk Daniels of Dare County, and Glenn Eure of Dare County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2009.

SECTION 2.41. Jim Funderburke of Gaston County, Jeff Gray of Wake County, David R. Twiddy of Pasquotank County, Keith Gregory of Wake County, and Jerry Crisp of Burke County are appointed to the Rules Review Commission for terms expiring on June 30, 2009.

SECTION 2.42. Russell Stetson of Dare County is appointed to the North Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2009.

SECTION 2.43. The Honorable Rodney Midgett of Dare County is appointed to the North Carolina Sheriff's Education and Training Standards Commission for a term expiring on June 30, 2009.

SECTION 2.44. James Beeson of Guilford County is appointed to the North Carolina Board for the Licensing of Soil Scientists for a term expiring on June 30, 2010.

SECTION 2.45. J.C. Batchelor of Bladen County and Delilah Blanks of Bladen County are appointed to the Southeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2011.

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SECTION 2.46. Paul Boney of New Hanover County is appointed to the State Building Commission for a term expiring on June 30, 2010.

SECTION 2.47. William Winn of Gates County is appointed to the State Fire and Rescue Commission for a term expiring on June 30, 2010.

SECTION 2.48. Derryl Garner of Carteret County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2009.

SECTION 2.49. Gail Gadsden of Durham County, Jenny Eakins of Nash County, and Dorothy Crowe of Person County are appointed to the North Carolina Teacher Academy Board of Trustees for terms expiring on June 30, 2011.

SECTION 2.50. Timothy Keever of Alexander County is appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June 30, 2009.

SECTION 2.51.(a) Dr. Jane Norwood of Mecklenburg County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 30, 2009, to fill the unexpired term of Dr. Leroy Walker.

SECTION 2.51.(b) Colleen Lanier of Forsyth County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 20, 2011.

SECTION 2.52. Effective October 1, 2007, Ken Farmer of Wake County, David Good of Forsyth County, and Elsie Seibelink of Pitt County are appointed to the North Carolina Traumatic Brain Injury Advisory Council for terms expiring on September 30, 2011.

SECTION 2.53. Effective January 15, 2007, Robert Spencer of Gaston County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2011.

SECTION 2.54. Ashley Thrift of Forsyth County is appointed to the Board of Trustees for the University of North Carolina Center for Public Television for a term expiring on June 30, 2009.

SECTION 2.55. J.W. Davis of Henderson County, Tommy Jenkins of Macon County, Samuel Neill of Henderson County, and Wanda Profitt of Yancey County are appointed to the Western North Carolina Regional Economic Development Commission (AdvantageWest) for terms expiring on June 30, 2011.

SECTION 2.56. Dell Murphy of Duplin County, Maughn Hull of Pasquotank County, Eugene Price of Wayne County, and Bobby Purcell of Wake County are appointed to the Wildlife Resources Commission for terms expiring on June 30, 2009.

SECTION 2.57. Wesley E. Reid of Guilford County is appointed to the Wireless 911 Board for a term expiring on June 30, 2009, to fill the unexpired term of Betty Dobson.

PART III. EFFECTIVE DATE.

SECTION 3.1. The headings to the parts and sections of this act are a convenience to the reader and are for reference only.

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SECTION 3.2. Unless otherwise specified, all appointments made by this act are for terms to begin upon ratification of this act.

SECTION 3.3. 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 motion of Senator Rand, the Conference Report is adopted (42-0).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR *(continued)*

S.B. 613 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER TECHNICAL CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill, as amended.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill, as amended, (42-0) and the bill is ordered enrolled and sent to the Governor by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 668** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS.

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

August 2, 2007

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 509** (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO AMEND PENALTY PROVISIONS.

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 earlier today, the President *Pro Tempore* orders the bill enrolled and sent to the Governor by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 1546** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS AND TO MAKE CHANGES TO THE LAW PERTAINING TO CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION.

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. 1546 earlier today, the President orders the bill enrolled and sent to the Governor by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 1492** (Conference Report), A BILL TO BE ENTITLED AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS;

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(7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.

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. 1492 earlier today, the President orders the bill enrolled and sent to the Governor by special message.

August 2, 2007

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 1761** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND.

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
August 2, 2007

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. 679** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION.

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

August 2, 2007

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 1537** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEDICAID ESTATE RECOVERY LAW; TO AMEND THE LAW RESPECTING DATA SHARING BY HEALTH INSURERS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE; AND TO ENACT A PROCEDURE FOR THE WAIVER OF THE MEDICAID TRANSFER OF ASSETS PENALTY DUE TO UNDUE HARDSHIP.

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

CONFERENCE REPORT

Senator Cowell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 668** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS, 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 668, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS, House Committee Substitute Favorable 7/27/07, submit the following report:

August 2, 2007

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/27/07, and the Senate concurs in the House Committee Substitute Favorable 7/27/07, as amended:

Delete the entire House Committee Substitute Favorable 7/27/07, and substitute the attached Proposed Conference Committee Substitute S668-PCCS35440-SB-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

Conferees for the Senate

S/Janet Cowell, Chair
S/Doug Berger
S/Richard Stevens

Conferees for the House of Representatives

S/Pricey Harrison, Chair
S/Becky Carney
S/Charles C. Thomas
Alice Graham Underhill

The text of the attached Proposed Conference Committee Substitute, S668-PCCS35440-SB-3 is as follows:

A BILL TO BE ENTITLED
AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND
WATER USE IN STATE, UNIVERSITY, AND COMMUNITY
COLLEGE BUILDINGS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Findings and Legislative Intent. – The General Assembly finds that public buildings can be built and renovated using sustainable, energy efficient methods that save money, reduce negative environmental impacts, improve employee and student performance, and make employees and students more productive. The main objectives of sustainable, energy efficient design are to avoid resource depletion of energy, water, and raw materials; prevent environmental degradation caused by facilities and infrastructure throughout their life cycle; and create buildings that are livable, comfortable, safe, and productive. It is the intent of the General Assembly that State-owned buildings, The University of North Carolina, and the North Carolina Community College System be improved by establishing specific performance criteria and goals for sustainable, energy efficient public buildings based upon recognized, consensus standards with scientifically proven basis and demonstrated performance. The General Assembly also intends that State agencies, The University of North Carolina, and the North Carolina Community College System shall perform after-construction measurement and verification of costs and savings to confirm that the performance goals of this section are met and ensure that economic and environmental goals are achieved. Also, it is the intent of the General Assembly to establish a priority to use North Carolina-

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based resources, building materials, products, industries, manufacturers, and businesses to provide economic development to North Carolina and to meet the objectives of this section.

SECTION 1.(b) Definitions. – As used in this section, the following definitions apply:

- (1) "ASHRAE" means the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.
- (2) "Department" means the Department of Administration.
- (3) "Institutions of higher education" means the constituent institutions of The University of North Carolina, the regional institutions as defined in G.S. 115D-2, and the community colleges as defined in G.S. 115D-2.
- (4) "Major facility" means a construction project larger than 20,000 gross square feet of occupied or conditioned space, as defined in the North Carolina State Building Code, or a building renovation project when the cost is greater than fifty percent (50%) of the insurance value and the project is larger than 20,000 gross square feet of occupied or conditioned space, as defined in the North Carolina State Building Code, whose construction is funded in whole or in part by the State of North Carolina. "Major facility" does not include the following: transmitter buildings or pumping stations.
- (5) "Public agency" means every State office, officer, board, department, and commission and institutions of higher education.
- (6) "Sustainable, energy efficient public buildings" means public buildings that, by complying with this section, are the most economical energy and water efficiency for that building type.

SECTION 1.(c) Standard for Major Facilities; Reports by Agencies and the Department. – The Sustainable Energy Efficient Buildings Program is established in the Department. Under this program:

- (1) All major facility projects of public agencies shall be designed, constructed, and certified to at least a thirty percent (30%) greater energy efficiency than the standard under ASHRAE 90.1-2004. For major renovations a twenty percent (20%) greater energy efficiency standard than ASHRAE 90.1-2004 shall be used. In addition, for new construction, the water systems shall be designed and constructed to use a minimum of twenty percent (20%) less potable water than the indoor water use baseline calculated for the building after meeting the fixture performance requirements required by the 2006 North Carolina Plumbing Code. Outdoor potable water or harvested groundwater consumption shall be reduced by a

minimum of fifty percent (50%) over that consumed by conventional means through water use efficient landscape materials and irrigation strategies, including water reuse and recycling. This section applies to major facility projects that have not entered the schematic design phase prior to the effective date of this section.

- (2) For the purposes of this section, any exceptions or special standards for specific types of buildings or building facilities found in ASHRAE 90.1-2004 are included in the ASHRAE 90.1-2004 standard under subdivision (1) of this subsection.
- (3) Commissioning for Major Facilities. – Building and/or system commissioning practices, tailored to the size and complexity of the building and its system components, shall be employed in order to verify performance of building components and systems and help ensure that design requirements are met upon completion of construction.
- (4) Measurement and Verification for Major Facilities.
 - a. Building level owner's meters for electricity, natural gas, fuel oil, and water in accordance with United States Department of Energy (DOE) guidelines issued under Section 103 of the Energy Policy Act of 2005 shall be installed. The public agency and the designers shall compare metered data from the first 12 months of building operation with the energy design target(s) and report that performance to the State Construction Office.
 - b. If the average building energy or water consumption over the one-year period following the date of beneficial occupancy is eighty-five percent (85%) or less than the performance goals established by these standards, the designer, owner agency, contractor, Contract Manager at Risk, and commissioning agent shall investigate, determine the cause of the shortfall, and recommend corrections or modifications to meet performance goals.
- (5) The Department shall consolidate the reports required in this subsection and any report from the State Building Commission under G.S. 143-135.39 into one report and report to the Chairs of the General Government Appropriations Subcommittees of both the Senate and the House of Representatives, the Environmental Review Commission, and the Joint Legislative Commission on

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Governmental Operations by November 1 of each year beginning in 2008. In its report, the Department shall also report on the implementation of this section including reasons why the standards required in subdivision (1) of this subsection were not used for the reason that it would not be practicable in accordance with G.S. 143-135.39. The Department shall make recommendations regarding the ongoing implementation of this section, including a discussion of incentives and disincentives related to implementing this section.

SECTION 1.(d) Guidelines for Administering the Sustainable Energy Efficient Buildings Program. –

- (1) The Department, in consultation with affected public agencies, shall develop and issue policies and technical guidelines to implement this section for public agencies. The purpose of these policies and guidelines is to define procedures and methods for complying with the criteria and performance goals for major facility projects defined by G.S. 143-135.37.
- (2) As provided in the request for proposals for construction services, the public agency may hold a preproposal conference for prospective bidders to discuss compliance with, and achievement of, standards identified in this section for prospective respondents.
- (3) The Department shall create a sustainable, energy efficient buildings advisory committee comprised of representatives from the design and construction industry involved in public works contracting, personnel from the affected public agencies responsible for overseeing public works projects, and others at the Department's discretion to provide advice on implementing this section. Among other duties, the advisory committee shall make recommendations regarding an education and training process for stakeholders and an ongoing evaluation or feedback process to help the Department implement this section. The advisory committee may also make recommendations to the Department regarding water efficiency requirements and energy efficiency requirements.
- (4) The Department shall review the advisory committee's recommendations under subdivision (3) of this subsection regarding education and training. The Department shall develop one level of education and training requirements for the chief financial officer of each public agency that is appropriate for the chief financial officer's level of involvement in projects under this section. The

Department shall develop, for each public agency that is responsible for the payment of the agency's utilities, another higher level of education and training requirements for the facility manager of the agency that is appropriate for the facility manager's level of involvement in projects under this section. This level of education and training shall also be a requirement for the capital project coordinator of an agency involved in a project under this section. The Department shall develop a highest level of education and training requirements for the architects and mechanical design engineers that are involved in the design of projects under this section that is appropriate for their level of involvement in these projects.

- (5) The Department may adopt rules to implement this section. The Department may adopt architectural or engineering standards as needed to implement this section.

SECTION 1.(e) Use of Other Standard when ASHRAE Standard Not Practicable. – When the Department, public agency, and the design team determine the ASHRAE 90.1-2004 standard to be not practicable for a major facility project, then it must be determined by the State Building Commission if the standard is not practicable for that major facility project. If the State Building Commission determines the standard is not practicable for that major facility project, the State Building Commission shall determine which standard is practicable for the design and construction for that major facility project. If the ASHRAE 90.1-2004 standard is not followed for that project, the public agency shall report this information and the reasons to the Department in its report under G.S. 143-135.37, and the State Building Commission shall report this information and the reasons to the Department.

SECTION 1.(f) Monitor Development of Construction and Energy Efficiency Standards. – The Department shall monitor the development of construction or other energy efficiency standards to determine whether there is a standard that the Department determines would better fulfill the intent of the Sustainable Energy Efficient Buildings Program to achieve energy efficiency and increased energy savings in major facility projects in buildings of the State, The University of North Carolina, and the North Carolina Community College System than the ASHRAE 90.1-2004 standard and, if so, whether this section should be amended to provide for the use of this standard rather than the ASHRAE 90.1-2004 standard. Specifically, the Department shall monitor the development of improved energy efficiency standards developed by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, the ASHRAE standards, and monitor whether the State Building Code Council adopts improved ASHRAE standards or any other energy efficiency standards for inclusion in the State Building Code that result in greater energy efficiency and increased energy savings in major facility projects in State, university system, and community college buildings. No later than January 1, 2009, and

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again January 1, 2010, the Department shall report to the Chairs of the General Government Appropriations Subcommittees of both the Senate and the House of Representatives, the Environmental Review Commission, and the Joint Legislative Commission on Governmental Operations on the results of its monitoring under this subsection, including any recommendations for administrative or legislative proposals.

SECTION 1.(g) Performance Review. – The Department shall conduct a performance review of the Sustainable Energy Efficient Buildings Program. The performance review shall include at least all of the following:

- (1) Identification of the costs of implementing energy and water efficient building standards in the design and construction of major facility projects subject to this act.
- (2) Identification of operating savings attributable to the implementation of energy and water efficient building standards, including, but not limited to, savings in energy, water, utility, and maintenance costs.
- (3) Identification of any impacts on employee productivity from using energy and water efficient building standards.
- (4) Evaluation of the effectiveness of the energy and water efficient building standards established by this act.
- (5) Any recommendations for any changes in those standards that may be supported by the Department's findings.

SECTION 1.(h) Report on Performance Review. – No later than December 1, 2010, the Department shall make a preliminary report of its findings under its performance review under subsection (g) of this section and its recommendations and, on or before December 1, 2011, a final report to the Chairs of the General Government Appropriations Subcommittees of both the Senate and the House of Representatives, the Environmental Review Commission, and the Joint Legislative Commission on Governmental Operations.

SECTION 1.(i) Purchase of Buildings Constructed or Renovated to Certain Energy and Water Efficiency Standards. –

- (1) A State agency shall not acquire by purchase any building unless the building was designed and constructed to at least the same standard for energy and water efficiency that the design and construction of a comparable building was required to meet under applicable State law or local ordinance at the time the building under consideration for purchase was constructed.
- (2) A State agency shall not acquire by purchase any building that had a major renovation unless the renovation was performed to at least the same standard for energy and water efficiency that the design and construction of a major renovation of a comparable building was required to meet under applicable State law or local ordinance at the time the building under consideration for purchase was renovated.

- (3) This subsection does not apply to the purchase of a building having historic, architectural, or cultural significance under G.S. 143-23.1. This subsection does not apply to buildings that are acquired by devise or bequest.

SECTION 2.1.(a) The Department of Administration shall administer and oversee the implementation of a program whereby all of the following energy conservation measures, as defined in G.S. 143-64.17, shall be fully implemented no later than December 31, 2009, in each building owned by the State, The University of North Carolina, or the North Carolina Community College System:

- (1) **Lighting Systems.** – The installation of exit signs that employ light-emitting diode (LED) technology; the replacement of incandescent light bulbs with compact fluorescent light bulbs; and where appropriate, as determined by the Department of Administration, the installation of occupancy sensors or optical sensors.
- (2) **Water Systems.** – The installation of aerators in sink faucets that reduce the flow of water to a rate of no more than five-tenths gallons per minute (0.5 g.p.m.); the installation of shower heads that reduce the flow of water to a rate of no more than one and five-tenths gallons per minute (1.5 g.p.m.); where appropriate, as determined by the Department of Administration, the resetting of hot water heaters to a water temperature of 120 degrees; the training of staff to monitor the use of irrigation systems and to base the use of the system on the moisture content of the soil, and either the elimination of potable water for irrigation or the reduction of water consumption in the building by twenty percent (20%) based on water consumption for the 2002-2003 fiscal year.
- (3) **Heating, Ventilation, and Air-Conditioning (HVAC) Systems.** – For HVAC equipment that is subject to replacement, the review of the specifications for the replacement HVAC equipment to ensure that it is not oversized; and, for building automation systems that are programmable, the training to ensure that these systems are properly programmed.
- (4) **Minor Equipment.** – For minor motorized equipment that is subject to replacement, the replacement of minor equipment with equipment that has premium efficiency motors. For purposes of this subdivision, 'premium efficiency motor' means a motor that meets or exceeds a set of minimum full-load efficiency standards developed by the National Electrical Manufacturers Association (NEMA).

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- (5) Other Energy Conservation Measures. – Disconnect lamps in drink vending machines; use power save feature on computers, monitors, copiers, fax machines, and other office equipment; and when purchasing office equipment or appliances, purchase only Energy Star office equipment and appliances.

SECTION 2.1.(b) Consistent with G.S. 150B-2(8a)h., the Department of Administration shall develop or revise its architectural and engineering standards to provide assistance in determining which energy conservation measures are best suited to the unique characteristics of each building and in determining the specifications for the energy conservation measures under this section. The development or revision of the architectural and engineering standards shall be completed by February 1, 2008.

SECTION 2.1.(c) Prior to implementing this section and no later than February 1, 2008, the Department of Administration shall report to the Joint Legislative Commission on Governmental Operations and the Environmental Review Commission on its plan to implement this section.

SECTION 2.1.(d) In order to protect the integrity of historic buildings, this section does not apply to the extent it would require the implementation of measures to conserve energy, water, or other utility use that conflict with respect to any property eligible for, nominated to, or entered on the National Register of Historic Places, pursuant to the National Historic Preservation Act of 1966, P.L. 89-665; any historic building located within an historic district as provided in Chapter 160A or 153A of the General Statutes; any historic building listed, owned, or under the jurisdiction of an historic properties commission as provided in Chapter 160A or 153A; or any historic property owned by the State or assisted by the State.

SECTION 3.1.(a) G.S. 143-64.12 reads as rewritten:

"§ 143-64.12. Authority and duties of ~~State agencies.~~the Department; State agencies and State institutions of higher learning.

(a) The Department of Administration through the State Energy Office shall develop a comprehensive program to manage energy, water, and other utility use for State agencies and State institutions of higher learning and shall update this program annually. Each State agency and State institution of higher learning shall develop and implement a management plan that is consistent with the State's comprehensive program under this subsection to manage energy, water, and other utility use. The energy consumption per gross square foot for all State buildings in total shall be reduced by twenty percent (20%) by 2010 and thirty percent (30%) by 2015 based on energy consumption for the 2003-2004 fiscal year. Each State agency and State institution of higher learning shall update its management plan annually and include strategies for supporting the energy consumption reduction requirements under this subsection. Each community college shall submit to the State Energy Office an annual written report of utility consumption and costs.

(a1) ~~The General Assembly authorizes and directs that~~ State agencies and State institutions of higher learning shall carry out the construction and

renovation of ~~State facilities, under their jurisdiction~~ facilities in such a manner as to further the policy ~~declared herein, ensuring set forth under this section and to ensure~~ the use of life-cycle cost analyses and practices to conserve energy, water, and other utilities.

(b) The Department of Administration shall develop and implement policies, procedures, and standards to ensure that State purchasing practices improve efficiency regarding energy, water, and other utility use and take the cost of the product over the economic life of the product into consideration. The Department of Administration shall adopt and implement Building Energy Design Guidelines. These guidelines shall include energy-use goals and standards, economic assumptions for life-cycle cost analysis, and other criteria on building systems and technologies. The Department of Administration shall modify the design criteria for construction and renovation of facilities of State buildings and State institutions of higher learning buildings to require that a life-cycle cost analysis be conducted pursuant to G.S. 143-64.15.

(b1) The Department of Administration, as part of the Facilities Condition and Assessment Program, shall identify and recommend energy conservation maintenance and operating procedures that are designed to reduce energy consumption within the facility of a State agency or a State institution of higher learning and that require no significant expenditure of funds. ~~State departments, institutions, or agencies~~ Every State agency or State institution of higher learning shall implement these recommendations. Where energy management equipment is proposed for ~~State facilities, any facility of a State agency or of a State institution of higher learning,~~ the maximum interchangeability and compatibility of equipment components shall be required. As part of the Facilities Condition and Assessment Program under this section, the Department of Administration shall develop an energy audit and a procedure for conducting energy audits. Every five years the Department shall conduct an energy audit for each State agency or State institution of higher learning.

~~The Department of Administration shall develop a comprehensive program to manage energy, water, and other utility use for State government. Each State agency shall develop and implement a management plan that is consistent with the State's comprehensive program to manage energy, water, and other utility use.~~

(c) through (g) Repealed by Session Laws 1993, c. 334, s. 4.

(h) When conducting an energy audit under this section, the Department of Administration shall identify and recommend any facility of a State agency or State institution of higher learning as suitable for building commissioning to reduce energy consumption within the facility or as suitable for installing an energy savings measure pursuant to a guaranteed energy savings contract under Part 2 of this Article.

(i) Consistent with G.S. 150B-2(8a)h., the Department of Administration may adopt architectural and engineering standards to implement this section."

SECTION 3.1.(b) G.S. 143-64.10 reads as rewritten:

"§ 143-64.10. Findings; policy.

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- (a) The General Assembly finds all of the following:
- (1) That the State shall take a leadership role in aggressively undertaking the conservation of energy, water, and other utilities in North Carolina.
 - (2) That State facilities and facilities of State institutions of higher learning have a significant impact on the State's consumption of energy, water, and other utilities.
 - (3) That practices to conserve energy, water, and other utilities that are adopted for the design, construction, operation, maintenance, and renovation of these facilities and for the purchase, operation, and maintenance of equipment for these facilities will have a beneficial effect on the State's overall supply of energy, water, and other utilities.
 - (4) That the cost of the energy, water, and other utilities consumed by these facilities and the equipment for these facilities over the life of the facilities shall be considered, in addition to the initial cost.
 - (5) That the cost of energy, water, and other utilities is significant and facility designs shall take into consideration the total life-cycle cost, including the initial construction cost, and the cost, over the economic life of the facility, of the energy, water, and other utilities consumed, and of operation and maintenance of the facility as it affects the consumption of energy, water, or other utilities.
 - (6) That State government shall undertake a program to reduce the use of energy, water, and other utilities in State facilities and facilities of the State institutions of higher learning and equipment in those facilities in order to provide its citizens with an example of energy-use, water-use, and utility-use efficiency.

(b) It is the policy of the State of North Carolina to ensure that practices to conserve energy, water, and other utilities are employed in the design, construction, operation, maintenance, and renovation of State facilities and facilities of the State institutions of higher learning and in the purchase, operation, and maintenance of equipment for ~~State these~~ facilities."

SECTION 3.1(c) G.S. 143-64.11 is amended by adding a new subdivision to read:

"(10) 'State institution of higher learning' means any constituent institution of The University of North Carolina."

SECTION 3.2. The Department of Administration shall establish and train an additional team to examine existing facilities of State agencies and State institutions of higher learning to identify and recommend energy conservation maintenance and operating procedures designed to reduce energy consumption and to conduct energy audits and identify a facility as suitable for

building commissioning or for installing an energy savings measure under the Facilities Condition Assessment Program (FCAP) under G.S. 143-64.12, as amended by Section 3.1 of this act.

SECTION 4.1. G.S. 143-64.15(a) reads as rewritten:

"(a) A life-cycle cost analysis shall be commenced at the schematic design phase of the construction or renovation project, shall be updated or amended as needed at the design development phase, and shall be updated or amended again as needed at the construction document phase. A life-cycle cost analysis shall include, but not be limited to, all of the following elements:

- (1) The coordination, orientation, and positioning of the facility on its physical ~~site;~~site.
- (2) The amount and type of fenestration and the potential for daylighting employed in the ~~facility;~~facility.
- (3) Thermal characteristics of materials and the amount of insulation incorporated into the facility ~~design;~~design.
- (4) The variable occupancy and operating conditions of the facility, including illumination ~~levels;~~and levels.
- (5) Architectural features that affect the consumption of energy, water, and other utilities."

SECTION 4.2. G.S. 143-64.15A reads as rewritten:

"§ 143-64.15A. Certification of life-cycle cost analysis.

~~All State agencies under the jurisdiction of the Department of Administration.~~ Each State agency and each State institution of higher learning performing a life-cycle cost analysis for the purpose of constructing or renovating any ~~State~~ facility shall, prior to selecting a design option or advertising for bids for construction, submit the life-cycle cost analysis to the Department for ~~certification.~~certification at the schematic design phase and again when it is updated or amended as needed in accordance with G.S. 143-64.15. The Department shall review the material submitted by the ~~State agency,~~agency or State institution of higher learning, reserve the right to require ~~agencies an agency or institution~~ to complete additional analysis to comply with certification, perform any additional analysis, as necessary, to comply with G.S. 143-341(11), and require that all construction or renovation conducted by the ~~State agency or State institution of higher learning~~ comply with the certification issued by the Department."

SECTION 5. This act shall not be construed to obligate the General Assembly to appropriate funds to implement the provisions of this act. Every public agency, as defined in subsection (c) of Section 1 of this act, to which this act applies may implement the provisions of this act from funds otherwise appropriated or available to that public agency.

SECTION 6. Section 1 of this act becomes effective 1 October 2008 and expires 1 October 2010. All other sections of this act become effective when this act becomes law. Section 1 of this act applies to contracts for the design of major facility projects, as defined in subsection (c) of Section 1 of this act, that are entered into on or after 1 October 2008. Section 4.1 of this act applies to life-cycle cost analyses commenced, and to contracts entered into for life-cycle cost analyses, on or after 1 December 2007.

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Upon motion of Senator Rand, the rules are suspended and the Conference Report 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. 925 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ALLOWING IMPROPER EQUIPMENT AS A LESSER INCLUDED OFFENSE OF SPEEDING AND TO PRECLUDE A PRAYER FOR JUDGMENT CONTINUED AS A DISPOSITION WHERE A DRIVER EXCEEDS THE POSTED SPEED LIMIT BY MORE THAN TWENTY-FIVE MILES PER HOUR, for concurrence in the House Committee Substitute bill, as amended.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill, as amended, is placed on today's Calendar for immediate consideration.

Upon motion of Senator Rand, the Senate fails to concur in the House Committee Substitute bill, as amended, (0-42).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1452 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC SCHOOL BUSES OR OTHER VEHICLES FOR STUDENT TRANSPORTATION THAT ARE CAPABLE OF OPERATING ON DIESEL FUEL TO BE CAPABLE OF OPERATING ON DIESEL FUEL WITH A MINIMUM BIODIESEL CONCENTRATION OF B-20, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed on today's Calendar for immediate consideration.

Upon motion of Senator Snow, the Senate concurs in the House Committee Substitute bill (43-0) and the bill is ordered enrolled and sent to the Governor by special message.

CALENDAR *(continued)*

S.B. 668 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS, placed earlier on today's Calendar for adoption.

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Upon motion of Senator Cowell, the Senate adopts the Conference Report (38-4).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 679 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION, placed earlier on today's Calendar for adoption.

Upon motion of Senator Jenkins, the Senate adopts the Conference Report (39-1).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S.B. 1130 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT, TO MAKE CHANGES TO THE STATE BUDGET ACT AS IT APPLIES TO THE JUDICIAL BRANCH, TO ADD A NEW DUTY TO THE DIRECTOR'S POWERS AND DUTIES, TO MODIFY OR REPEAL CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, TO MAKE CLARIFYING CHANGES FOR CONTINUING TRAINING FOR MAGISTRATES, TO ESTABLISH A PILOT PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF PER DIEM FEES AND DESIGNATE FEES FOR OTHER SERVICES, TO PROHIBIT MAGISTRATES FROM THE PRIVATE PRACTICE OF LAW, AND TO MAKE TECHNICAL CHANGES TO THE REVENUE PORTIONS OF THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2007, for concurrence in the House Committee Substitute bill No. 3, as amended.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill No. 3, as amended, is placed on today's Calendar for immediate consideration.

Upon motion of Senator Clodfelter, the Senate fails to concur in the House Committee Substitute bill No. 3, as amended, (1-42).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR *(continued)*

H.B. 726 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE OF LASER HAIR

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PRACTITIONERS AND LASER HAIR PRACTITIONER INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE CERTIFICATIONS, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (41-0) and third readings and is ordered enrolled and sent to the Governor by special message.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 925 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ALLOWING IMPROPER EQUIPMENT AS A LESSER INCLUDED OFFENSE OF SPEEDING AND TO PRECLUDE A PRAYER FOR JUDGMENT CONTINUED AS A DISPOSITION WHERE A DRIVER EXCEEDS THE POSTED SPEED LIMIT BY MORE THAN TWENTY-FIVE MILES PER HOUR.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill, as amended, for S.B. 925 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 Apodaca 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.

The Senate recesses at 7:25 P.M. to reconvene at 8:30 P.M. subject to reading of messages from the House of Representatives and appointment of conferees.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 1556** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE

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RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE.

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
August 2, 2007

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. 109** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX DEDUCTION FOR VOLUNTEER FIREFIGHTERS AND RESCUE SQUAD WORKERS, and requests conferees.

Speaker Hackney has appointed:

Representative Luebke, Chair
Representative Weiss
Representative Wainwright
Representative Gibson
Representative McComas
Representative Howard, and
Representative Wilkins

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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APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 109 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE NORTH CAROLINA CORPORATIONS A LIMITED OPPORTUNITY TO OPT OUT OF THE NORTH CAROLINA SHAREHOLDER PROTECTION ACT AND THE NORTH CAROLINA CONTROL SHARE ACQUISITION ACT AND TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE PROVISIONS IN THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2007.

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. 109 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chair, Senator Clodfelter and Senator Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1130 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT, TO MAKE CHANGES TO THE STATE BUDGET ACT AS IT APPLIES TO THE JUDICIAL BRANCH, TO ADD A NEW DUTY TO THE DIRECTOR'S POWERS AND DUTIES, TO MODIFY OR REPEAL CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, TO MAKE CLARIFYING CHANGES FOR CONTINUING TRAINING FOR MAGISTRATES, TO ESTABLISH A PILOT PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF PER DIEM FEES AND DESIGNATE FEES FOR OTHER SERVICES, TO PROHIBIT MAGISTRATES FROM THE PRIVATE PRACTICE OF LAW, AND TO MAKE TECHNICAL CHANGES TO THE REVENUE PORTIONS OF THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2007.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 3, as amended, for S.B. 1130 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 Garrou 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.

August 2, 2007

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 925** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ALLOWING IMPROPER EQUIPMENT AS A LESSER INCLUDED OFFENSE OF SPEEDING AND TO PRECLUDE A PRAYER FOR JUDGMENT CONTINUED AS A DISPOSITION WHERE A DRIVER EXCEEDS THE POSTED SPEED LIMIT BY MORE THAN THIRTY MILES PER HOUR, and requests conferees, Speaker Hackney appoints:

Representative Glazier, Chair
Representative Moore, and
Representative Ross

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. 714 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND CONFORMING MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2007.

Referred to the **Appropriations/Base Budget Committee**.

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

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The Senate recesses at 8:40 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 8:43 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

The Chair grants leaves of absence for the remainder of today's session to Senator Albertson, Senator Boseman, Senator Dalton, Senator Jenkins, Senator Soles and Senator Tillman.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1743** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO

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APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE THE VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR SOFTWARE WARRANTIES; TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP; AND TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT; AND TO MAKE OTHER AMENDMENTS TO THE ELECTION 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 1743, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING;

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TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE THE VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR SOFTWARE WARRANTIES; TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP; AND TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT; AND TO MAKE OTHER AMENDMENTS TO THE ELECTION LAWS, Senate Select Committee on Government and Election Reform Committee Substitute Adopted 7/30/07, Sixth Edition Engrossed 8/1/07, submit the following report:

The House and Senate agree to the following amendments to the Senate Select Committee on Government and Election Reform Committee Substitute Adopted 7/30/07, Sixth Edition Engrossed 8/1/07, and the House concurs in the Senate Select Committee on Government and Election Reform Committee Substitute Adopted 7/30/07, Sixth Edition Engrossed 8/1/07 as follows:

On page 26, lines 7-8, by inserting the following between those lines:

"(4) The contribution does not exceed one thousand dollars (\$1,000.00)." ;

and on page 26, line 17 by deleting the word "illegal" and substituting the word "unlawful".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

Conferees for the Senate

Conferees for the House of Representatives

S/Daniel G. Clodfelter, Chair
S/Phil Berger
S/Tony Rand

S/Melanie Wade Goodwin, Chair
S/Deborah K. Ross
S/Paul Stam

August 2, 2007

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for immediate consideration.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (32-3).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hagan for the **Appropriations/Base Budget Committee**:

H.B. 714 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND CONFORMING MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2007, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10280, which changes the title upon concurrence to read **H.B. 714** (Senate 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 2007, 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 for immediate consideration.

The Senate Committee Substitute bill passes its second (35-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1737** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE LEGAL EXPENSE FUNDS OF ELECTED OFFICERS TO PROVIDE FOR DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES, 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 1737, A BILL TO BE ENTITLED AN ACT TO REGULATE LEGAL EXPENSE FUNDS OF ELECTED

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OFFICERS TO PROVIDE FOR DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES, Senate Select Committee on Government and Election Reform Committee Substitute Adopted 7/30/07 Fifth Edition Engrossed 7/31/07, submit the following report:

The House concurs in the Senate Select Committee on Government and Election Reform Committee Substitute Adopted 7/30/07 Fifth Edition Engrossed 7/31/07 with an amendment as follows, and the Senate agrees to the same:

On page 1, line 3, by inserting before the period the term "; AND TO LIMIT CERTAIN CONTRIBUTIONS".

Further moves to amend the bill on page 3, line 3, by inserting after that line the following:

"(d1) No more than one legal expense fund shall be created by or for an elected officer for the same legal action. Legal actions arising out of the same set of transactions and occurrences are deemed the same legal action for purposes of this subsection. A legal expense fund created for one legal action or potential legal action may be kept open by or on behalf of the elected officer for subsequent legal actions or potential legal actions."

Further moves to amend the bill on page 6, lines 9 through 11, by rewriting those lines to read:

"(d) No legal expense fund shall accept contributions from a corporation, labor union, insurance company, professional association, or business entity in excess of four thousand dollars (\$4,000) per calendar year. No legal expense fund shall accept contributions from a corporation which when totaled with contributions to the same legal expense fund for the same calendar year from any affiliated corporation exceed the per calendar year contribution limits for that legal expense fund. No legal expense fund shall accept contributions from a labor union which when totaled with contributions to the same legal expense fund for the same calendar year from any affiliated labor union exceed the per calendar year contribution limits for that legal expense fund. No legal expense fund shall accept contributions from an insurance company which when totaled with contributions to the same legal expense fund for the same calendar year from any affiliated insurance company exceed the per calendar year contribution limits for that legal expense fund. No legal expense fund shall accept contributions from a professional association which when totaled with contributions to the same legal expense fund for the same calendar year from any affiliated professional association exceed the per calendar year contribution limits for that legal expense fund. No legal expense fund shall accept contributions from a business entity which when totaled with contributions to the same legal expense fund for the same calendar year from any affiliated business entity exceed the per calendar year contribution limits for that legal expense fund. The definitions of corporation, labor union, insurance company, professional association, and business entity are the same as those in G.S. 163-278.6. This subsection does not apply to political committees created pursuant to G.S. 163-278.19(b), except that no legal expense fund shall accept a

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contribution which would be a violation of G.S. 163-278.13B if accepted by a candidate or political committee. This subsection does not apply to corporations permitted to make contributions in G.S. 163-278.19(f).

(e) No entity shall make a contribution to a legal expense fund that the legal expense fund could not accept under subsection (d) of this section."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

Conferees for the Senate

Conferees for the House of Representatives

S/Daniel G. Clodfelter, Chair

S/Melanie Wade Goodwin, Chair

S/Tony Rand

S/Deborah K. Ross

S/Phil Berger

S/Paul Stam

S/Steve Goss

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 motion of Senator Clodfelter, the Senate adopts the Conference Report (35-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives

August 2, 2007

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. 1737** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REGULATE LEGAL EXPENSE FUNDS OF ELECTED OFFICERS TO PROVIDE FOR DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES; AND TO LIMIT CERTAIN CONTRIBUTIONS.

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

August 2, 2007

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 1743** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE THE

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VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR SOFTWARE WARRANTIES; TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP; AND TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT; AND TO MAKE OTHER AMENDMENTS TO THE ELECTION LAWS.

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
August 2, 2007

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 3 for **S.B. 1130** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT, and requests conferees, Speaker Hackney appoints:

Representative Blue, Chair
Representative Spear, 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

August 2, 2007

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 925** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ALLOWING IMPROPER EQUIPMENT AS A LESSER INCLUDED OFFENSE OF SPEEDING AND TO PRECLUDE A PRAYER FOR JUDGMENT CONTINUED AS A DISPOSITION WHERE A DRIVER EXCEEDS THE POSTED SPEED LIMIT BY MORE THAN TWENTY-FIVE MILES PER HOUR, 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 925, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ALLOWING IMPROPER EQUIPMENT AS A LESSER INCLUDED OFFENSE OF SPEEDING AND TO PRECLUDE A PRAYER FOR JUDGMENT CONTINUED AS A DISPOSITION WHERE A DRIVER EXCEEDS THE POSTED SPEED LIMIT BY MORE THAN TWENTY-FIVE MILES PER HOUR, House Committee Substitute Favorable 7/28/07 Fourth Edition Engrossed 7/31/07, submit the following report:

The House recedes from House Amendment #1 and House Amendment #2, and the Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/28/07 Fourth Edition Engrossed 7/31/07, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 7/28/07 Fourth Edition Engrossed 7/31/07, and substitute the attached Proposed Conference Committee Substitute S925-PCCS75457-SA-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

Conferees for the Senate *Conferees for the House of Representatives*

S/Tony Rand, Chair	S/Rick Glazier, Chair
S/Tom Apodaca	S/Tim Moore
S/David W. Hoyle	S/Deborah K. Ross

The text of the attached Proposed Conference Committee Substitute, S925-PCCS75457-SA-1 is as follows:

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A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW ALLOWING IMPROPER EQUIPMENT AS A LESSER INCLUDED OFFENSE OF SPEEDING AND TO PRECLUDE A PRAYER FOR JUDGMENT CONTINUED AS A DISPOSITION WHERE A DRIVER EXCEEDS THE POSTED SPEED LIMIT BY MORE THAN TWENTY-FIVE MILES PER HOUR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-141(o) reads as rewritten:

"§ 20-141. **Speed restrictions.**

...

(o) A violation of G.S. 20-123.2 shall be a lesser included offense in any violation of this ~~section~~ section, and shall be subject to the following limitations and conditions:

- (1) A violation of G.S. 20-123.2 shall be recorded in the driver's official record as "Improper equipment – Speedometer."
- (2) The lesser included offense under this subsection shall not apply to charges of speeding in excess of 25 miles per hour or more over the posted speed limit.

No drivers license points or insurance surcharge shall be assessed on account of a violation of this subsection."

SECTION 2. G.S. 20-141 is amended by adding a new subsection to read:

"(p) A driver charged with speeding in excess of 25 miles per hour over the posted speed limit shall be ineligible for a disposition of prayer for judgment continued."

SECTION 3. This act becomes effective December 1, 2007, and applies to offenses committed on or after that date.

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for immediate consideration.

Upon motion of Senator Rand, the Senate adopts the Conference Report (36-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

The Chair grants a leave of absence for the remainder of today's session to Senator Garrou.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 1130** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT, TO MAKE CHANGES

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TO THE STATE BUDGET ACT AS IT APPLIES TO THE JUDICIAL BRANCH, TO ADD A NEW DUTY TO THE DIRECTOR'S POWERS AND DUTIES, TO MODIFY OR REPEAL CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, TO MAKE CLARIFYING CHANGES FOR CONTINUING TRAINING FOR MAGISTRATES, TO ESTABLISH A PILOT PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF PER DIEM FEES AND DESIGNATE FEES FOR OTHER SERVICES, TO PROHIBIT MAGISTRATES FROM THE PRIVATE PRACTICE OF LAW, AND TO MAKE TECHNICAL CHANGES TO THE REVENUE PORTIONS OF THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2007, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 1130, A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT, TO MAKE CHANGES TO THE STATE BUDGET ACT AS IT APPLIES TO THE JUDICIAL BRANCH, TO ADD A NEW DUTY TO THE DIRECTOR'S POWERS AND DUTIES, TO MODIFY OR REPEAL CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, TO MAKE CLARIFYING CHANGES FOR CONTINUING TRAINING FOR MAGISTRATES, TO ESTABLISH A PILOT PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF PER DIEM FEES AND DESIGNATE FEES FOR OTHER SERVICES, TO PROHIBIT MAGISTRATES FROM THE PRIVATE PRACTICE OF LAW, AND TO MAKE TECHNICAL CHANGES TO THE REVENUE PORTIONS OF THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2007, House Committee Substitute #3 Favorable 8/1/07, submit the following report:

The House recedes from House Amendment #1 and House Amendment #2, and the Senate and House agree to the following amendments and the Senate concurs in the House Committee Substitute #3 Favorable 8/1/07 as amended:

On page 1, lines 10-14, by rewriting those lines to read:
"AND DESIGNATE FEES FOR OTHER SERVICES.";

And on page 3, lines 9-21, by deleting those lines;

And on page 6, line 13 through page 9, line 15, by deleting those lines;

And on page 9, lines 16-18, by rewriting those lines to read:

"SECTION 15. Sections 1 through 14 and Section 16 of this act become effective October 1, 2007. The remainder of this act is effective when it becomes law."

August 2, 2007

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

Conferees for the Senate *Conferees for the House of Representatives*

S/Daniel G. Clodfelter, Chair S/Dan Blue, Chair
S/Linda Garrou S/Karen B. Ray
S/Tony Rand S/Timothy L. Spear

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 motion of Senator Clodfelter, the Senate adopts the Conference Report (35-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1111** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT ETHICS ACT, THE LEGISLATIVE ETHICS ACT, AND THE LOBBYING 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 1111, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT ETHICS ACT, THE LEGISLATIVE ETHICS ACT, AND THE LOBBYING LAWS, Senate Select Committee on Government and Election Reform Committee Report Adopted 7/31/07 Fourth Edition Engrossed 7/31/07, submit the following report:

The Senate and House agree to the following amendments and the House concurs in the Senate Select Committee on Government and Election Reform Committee Report Adopted 7/31/07, Fourth Edition Engrossed 7/31/07, as amended:

On page 1, line 6 by rewriting that line to read:

"**SECTION 1.** G.S. 120-102(a)(5) reads as rewritten:"; and

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On page 3, lines 10 -16, by rewriting those lines to read:

" employee's duties include lobbying. In no case shall an employee be considered a lobbyist if in no 30-day period 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~~section or if in no 30-day period less than five percent (5%) of that employee's actual duties include engaging in lobbying as defined in subdivision (9)b. of this section."; and

On page 3, line 20, by rewriting the line to read:

"**SECTION 9.** G.S. 120C-101 reads as rewritten:"; and

On page 3, lines 22 through 28, by rewriting the lines to read:

"(a) The Commission shall adopt any rules or definitions necessary to interpret ~~and carry out~~ the provisions of this ~~Chapter~~Chapter and adopt any rules necessary to administer the provisions of this Chapter, except for Articles 2, 4 and 8 of this Chapter. The Secretary of State shall adopt any rules, ~~orders, forms, and definitions~~orders, and forms as are necessary to ~~carry out~~administer the provisions of Articles 2, 4 and 8 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"; and

On page 4, line 12, by rewriting the line to read:

"into the North Carolina Administrative Code.

(d) For purposes of G.S. 150B-21.3(b2), a written objection filed by the Commission to a rule adopted by the Secretary of State pursuant to this Chapter shall be deemed written objections from 10 or more persons. Notwithstanding G.S. 150B-21.3(b2), a rule adopted by the Secretary of State pursuant to this Chapter objected to by the Commission under this subsection shall not become effective until an act of the General Assembly approving the rule has become law. If the General Assembly does not approve a rule under this subsection by the day of adjournment of the next regular session of the General Assembly that begins at least 25 days after the date the Rules Review Commission approves the rule, the permanent rule shall not become effective and any temporary rule associated with the permanent rule expires. If the General Assembly fails to approve a rule by the day of adjournment, the Secretary of State may initiate rulemaking for a new permanent rule, including by the adoption of a temporary rule."; and

On page 4, lines 13 through 29, by deleting the lines; and

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On page 5, line 5, by rewriting the line to read:

"matters of public record. Staff to the Commission may share all information related to requests made under subsection (a) of this section with staff of the Office of the Secretary of State, and staff of the Office of the Secretary of State shall treat that information as confidential and not a public record. The Commission shall forward an unedited copy of each"; and

On page 5, line 26 and line 32 by inserting between the words "that" and "state" the word "nonpartisan"; and

On page 5, lines 28 and 33, by deleting the citation "G.S. 138A-32(c)(2)." and substituting the citation "G.S. 138A-32(c)."; and

On page 6, line 17, by rewriting the line to read:

""(i) Any reportable expenditure promptly paid for at fair market value or promptly returned to a"; and

On page 6, line 25, by rewriting the line to read:

"who promptly declines, returns, pays fair market value for, or donates a reportable"; and

On page 6, lines 30 through 32, by rewriting the lines to read:

""(g) A prohibited gift shall ~~be~~ be, and a permissible gift may be, promptly declined, returned, paid for at fair market value, or donated immediately to charity or the State.""; and

On page 6, lines 33 through 38, by deleting the lines and renumbering the remaining bill sections accordingly; and

On page 8, lines 27 through 28, by rewriting the lines to read:

"and is not a member of the covered person's extended family, and the trustee has sole discretion as to the"; and

On page 11, line 1, by rewriting the line to read:

"e.3. An organized gathering of a person to which the entire board of which the public servant is a member or at least 10 public"; and

On page 14, line 23, by rewriting the line to read:

"(f) This section shall not apply to judicial officers."; and

On page 17, line 6, by deleting the word "section." and substituting the word "subsection."; and

On page 19, lines 36 and 37, by deleting the phrase "required by G.S. 120C-303(a)(2)." and substituting the phrase "provided in G.S. 120C-303."; and

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On page 20, lines 30 and 36, by inserting between the words "a" and "state" the word "nonpartisan"; and

On page 21, line 40, by rewriting the line to read:

"food, beverages, or transportation.

- (12) Food and beverages for immediate consumption at an organized gathering of a person to which a public servant is invited to attend for purposes primarily related to the public servant's public service or position, 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."; and

On page 21, line 43, by rewriting the line to read:

"G.S. 138A-32(e)(1)-(9)–G.S. 138A-32(e)(1)-(9), 138A-32(e)(11), 138A-32(e)(12), and"; and

On page 22, line 5, by rewriting the line to read:

"G.S. 138A-32(e)(1)-(9)G.S. 138A-32(e)(1)-(9), 138A-32(e)(11), 138A-32(e)(12), and";and

On page 22, lines 12 through 19, by deleting the lines; and

By renumbering the remaining bill sections accordingly; and

On page 22, lines 24 through 31 read as rewritten:

"SECTION 44. Sections 17, 23, 39, 40 and 41 of this act are effective January 1, 2007. Section 9 of this act is effective July 1, 2007. Sections 8, 11, 15, 20, 22, 25, 34 and 42 of this act become effective October 1, 2007. Section 18 of this act becomes effective December 1, 2007. Section 34 of this act becomes effective January 1, 2008. The remainder of this act is effective when this act becomes law."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 2, 2007.

Conferees for the Senate

Conferees for the House of Representatives

S/Daniel G. Clodfelter, Chair
S/Tony Rand
S/Richard Stevens

S/Deborah K. Ross, Chair
S/Julia C. Howard, Chair
S/Rick Glazier
Harold J. Brubaker
S/Marvin W. Lucas

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Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for immediate consideration.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (35-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 509, AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO AMEND PENALTY PROVISIONS.

S.B. 613, AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER TECHNICAL CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

S.B. 668, AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS.

S.B. 684, AN ACT TO PROVIDE FOR FUNDING FOR THE STATEWIDE SPAY AND NEUTER PROGRAM FROM THE SALE OF RABIES VACCINATION TAGS AND TO REQUIRE REPORTING ON THE PROGRAM.

S.B. 1079, AN ACT PROVIDING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING.

S.B. 1211, AN ACT TO REQUIRE FINGERPRINTING OF ANY PERSON ARRESTED FOR ANY OFFENSES INVOLVING IMPAIRED DRIVING OR FOR DRIVING WHILE LICENSE REVOKED.

S.B. 1313, AN ACT TO REQUIRE THE CONSENT OF THE COUNCIL OF STATE IN ORDER FOR ANY ZONING ORDINANCE TO APPLY TO STATE-OWNED BUILDINGS WITHIN SIX BLOCKS OF THE STATE CAPITOL.

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S.B. 1435, AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF FUNERAL SERVICE, MUTUAL BURIAL ASSOCIATIONS, PRENEED FUNERAL FUNDS, AND CREMATIONS.

S.B. 1452, AN ACT TO REQUIRE PUBLIC SCHOOL BUSES OR OTHER VEHICLES FOR STUDENT TRANSPORTATION THAT ARE CAPABLE OF OPERATING ON DIESEL FUEL TO BE CAPABLE OF OPERATING ON DIESEL FUEL WITH A MINIMUM BIODIESEL CONCENTRATION OF B-20.

S.B. 1492, AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF

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LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.

S.B. 1546, AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS AND TO MAKE CHANGES TO THE LAW PERTAINING TO CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION.

H.B. 671, AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD.

H.B. 679, AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION.

H.B. 726, AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE OF LASER HAIR PRACTITIONERS AND LASER HAIR PRACTITIONER INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE CERTIFICATIONS.

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H.B. 820, AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN.

H.B. 1005, AN ACT TO REQUIRE THAT RECOMMENDATIONS ON DEBT CAPACITY INCLUDE RECOMMENDATIONS RELATED TO DEBT SUPPORTED BY THE GENERAL FUND, THE HIGHWAY FUND, AND THE HIGHWAY TRUST FUND; TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STIP PLANNING AND DEVELOPMENT PROCESS; TO DIRECT THE OFFICE OF STATE BUDGET AND MANAGEMENT TO STUDY LONG-TERM ECONOMIC, MOBILITY, AND INFRASTRUCTURE NEEDS; TO ENACT CERTAIN BRIDGE CONSTRUCTION GUIDELINES; AND TO REQUIRE COMPLIANCE WITH CERTAIN FEDERAL GUIDELINES FOR TRANSPORTATION PROJECTS.

H.B. 1537, AN ACT TO MAKE CHANGES TO THE MEDICAID ESTATE RECOVERY LAW; TO AMEND THE LAW RESPECTING DATA SHARING BY HEALTH INSURERS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE; AND TO ENACT A PROCEDURE FOR THE WAIVER OF THE MEDICAID TRANSFER OF ASSETS PENALTY DUE TO UNDUE HARDSHIP.

H.B. 1593, AN ACT TO DIRECT THE EXECUTIVE ADMINISTRATOR OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PREPARE TO CHANGE THE STATE HEALTH PLAN FROM A FISCAL YEAR TO A CALENDAR YEAR.

H.B. 1761, AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND.

H.B. 1556, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE.

The Enrolling Clerk reports the following bill and joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 842, AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS.

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S.J.R. 1572, A JOINT RESOLUTION ACKNOWLEDGING THE FINDINGS OF THE 1898 WILMINGTON RACE RIOT COMMISSION. (Res. 67)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 925** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ALLOWING IMPROPER EQUIPMENT AS A LESSER INCLUDED OFFENSE OF SPEEDING AND TO PRECLUDE A PRAYER FOR JUDGMENT CONTINUED AS A DISPOSITION WHERE A DRIVER EXCEEDS THE POSTED SPEED LIMIT BY MORE THAN TWENTY-FIVE MILES PER HOUR.

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. 925 earlier today, the President orders the bill enrolled and sent to the Governor by special message.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1573, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2007 GENERAL ASSEMBLY TO MEET IN 2008 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

August 2, 2007

Senator Berger of Rockingham offers Amendment No. 1 which is adopted (35-0).

The joint resolution, as amended, passes its second (33-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

Upon motion of Senator Dannelly, seconded by Senator Rand, the Senate adjourns pursuant to **S.J.R. 1573**, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2007 GENERAL ASSEMBLY TO MEET IN 2008 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, subject to ratification of bills and receipt of messages from the House of Representatives, to meet Tuesday, May 13, 2008, at 12:00 Noon.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 1130** (Conference Report), A BILL TO BE ENTITLED AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT, TO MAKE CHANGES TO THE STATE BUDGET ACT AS IT APPLIES TO THE JUDICIAL BRANCH, TO ADD A NEW DUTY TO THE DIRECTOR'S POWERS AND DUTIES, TO MODIFY OR REPEAL CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, TO MAKE CLARIFYING CHANGES FOR CONTINUING TRAINING FOR MAGISTRATES, TO ESTABLISH A PILOT PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF PER DIEM FEES AND DESIGNATE FEES FOR OTHER 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

Pursuant to the Senate having adopted the Conference Report for S.B. 1130 earlier today, the President orders the bill enrolled and sent to the Governor.

August 2, 2007

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
August 2, 2007

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. 1111** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT ETHICS ACT, THE LEGISLATIVE ETHICS ACT, AND THE LOBBYING LAWS.

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 925, AN ACT TO AMEND THE LAW ALLOWING IMPROPER EQUIPMENT AS A LESSER INCLUDED OFFENSE OF SPEEDING AND TO PRECLUDE A PRAYER FOR JUDGMENT CONTINUED AS A DISPOSITION WHERE A DRIVER EXCEEDS THE POSTED SPEED LIMIT BY MORE THAN TWENTY-FIVE MILES PER HOUR.

S.B. 1130, AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT, TO MAKE CHANGES TO THE STATE BUDGET ACT AS IT APPLIES TO THE JUDICIAL BRANCH, TO ADD A NEW DUTY TO THE DIRECTOR'S POWERS AND DUTIES, TO MODIFY OR REPEAL CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, TO MAKE CLARIFYING CHANGES FOR CONTINUING TRAINING FOR MAGISTRATES, TO ESTABLISH A PILOT PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF PER DIEM FEES AND DESIGNATE FEES FOR OTHER SERVICES.

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H.B. 714, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2007.

H.B. 1111, AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT ETHICS ACT, THE LEGISLATIVE ETHICS ACT, AND THE LOBBYING LAWS.

H.B. 1595, AN ACT TO CLARIFY PROVISIONS IN THE LOCAL DEVELOPMENT ACT, TO CLARIFY URBAN PROGRESS ZONES AND AGRARIAN GROWTH ZONES, TO ALLOW MORE THAN ONE AGRARIAN GROWTH ZONE IN A COUNTY, TO CLARIFY WHEN THE LAST REPORT IS DUE FOR THE REPEALED LEE ACT CREDITS, TO MAKE TECHNICAL CHANGES CONCERNING THE TAX CREDITS FOR GROWING BUSINESSES; TO PROVIDE FOR PUBLICATION, MONITORING, AND REPORTING ON ECONOMIC DEVELOPMENT INCENTIVE CLAWBACKS; AND TO REQUIRE CLAWBACK PROVISIONS IN LOCAL ECONOMIC DEVELOPMENT AGREEMENTS.

H.B. 1737, AN ACT TO REGULATE LEGAL EXPENSE FUNDS OF ELECTED OFFICERS TO PROVIDE FOR DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES AND TO LIMIT CERTAIN CONTRIBUTIONS.

H.B. 1743, AN ACT TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT

August 2, 2007

VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE THE VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR SOFTWARE WARRANTIES; TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP; AND TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT; AND TO MAKE OTHER AMENDMENTS TO THE ELECTION LAWS.

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. 1573, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2007 GENERAL ASSEMBLY TO MEET IN 2008 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION. (Res. 68)

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. 604, AN ACT TO CAP THE AD VALOREM TAX RATE OF THE TOWN OF WENTWORTH. (Became law upon ratification, August 2, 2007 - S.L. 2007-338.)

S.B. 609, AN ACT TO ALLOW CHATHAM COUNTY TO USE RECREATION FUNDS RECEIVED FROM SUBDIVISION DEVELOPERS TO CONSTRUCT AND ACQUIRE RECREATIONAL FACILITIES IN CHATHAM COUNTY. (Became law upon ratification, August 2, 2007 - S.L. 2007-339.)

August 2, 2007

H.B. 1027, AN ACT TO INCREASE THE OCCUPANCY TAX FOR THE TOWN OF JONESVILLE, TO AUTHORIZE YADKIN COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY, AND TO AUTHORIZE THE TOWN OF YADKINVILLE TO LEVY AN OCCUPANCY TAX. (Became law upon ratification, August 2, 2007 - S.L. 2007-340.)

H.B. 1228, AN ACT TO PROVIDE FOR AN INCREASE IN THE PENALTY SET FOR A RED LIGHT VIOLATION DETECTED BY A CAMERA; TO REQUIRE THAT THE CLEAR PROCEEDS OF EACH PENALTY COLLECTED BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; TO DEFINE WHAT AMOUNTS MAY BE DEDUCTED FROM EACH PENALTY BY A MUNICIPALITY TO ARRIVE AT THE AMOUNT OF CLEAR PROCEEDS FROM EACH CIVIL PENALTY THAT MUST BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; AND TO PERMIT A COLLECTION ASSISTANCE FEE TO BE COLLECTED FROM THE RESPONSIBLE PARTY IF THE CIVIL PENALTY IS NOT PAID WITHIN A SPECIFIED TIME. (Became law upon ratification, August 2, 2007 - S.L. 2007-341.)

S.B. 546, AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF MOUNT PLEASANT. (Became law upon ratification, August 2, 2007 - S.L. 2007-342.)

H.B. 1556, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE. (Became law upon ratification, August 2, 2007 - S.L. 2007-343.)

H.B. 842, AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE CITY OF KANNAPOLIS. (Became law upon ratification, August 2, 2007 - S.L. 2007-344.)

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 11:53 P.M.

BEVERLY E. PERDUE
President of the Senate

JANET B. PRUITT
Principal Clerk

August 2, 2007

**ONE HUNDRED TWELFTH DAY
2007 Session Reconvened**

Senate Chamber
Monday, September 10, 2007

In accordance with law, as set forth in the Constitution of the State of North Carolina and pursuant to the Proclamation issued by the Governor, the Honorable Michael F. Easley, on September 6, 2007, the Senate of the 2007 Session of the 2007 General Assembly reconvenes at the hour of 2:00 P.M. in the Senate Chamber in the City of Raleigh.

The Honorable Beverly E. Perdue, Lieutenant Governor, presides and calls the Senate to order.

Prayer is offered by The Honorable Steve Goss, Senator from Watauga County, as follows:

"God of creation, you tell us in your word that many of us read and believe that all things work together for good to those that love you and are called according to your purpose. Lord, may we realize those words at this moment of special session, that above all, we glorify you and lift up the State of North Carolina. In the name of your creation and the joy of your presence in our lives I pray. Amen."

The Chair grants leaves of absence for today to Senator East and Senator Jenkins.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, August 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

PROCLAMATION FROM THE GOVERNOR

The Honorable Beverly E. Perdue, Lieutenant Governor, instructs the Reading Clerk to read the Proclamation issued by Governor Michael F. Easley on September 10, 2007, as follows:

PROCLAMATION

Pursuant to the authority vested in the Governor by Article III, Section 5 (11) of the Constitution of North Carolina, and as required by Article II, Section 22

September 10, 2007

(7) the General Assembly shall reconvene on **Monday, September 10, 2007**, at **2:00 p. m.** to reconsider House Bill 1761 which was vetoed on August 30, 2007.

Done in Raleigh, North Carolina, on September 6, 2007

(Seal)

S/Michael F. Easley
Governor

The Chair orders a special message sent to the House of Representatives informing that Honorable Body that the Senate is organized and is ready to proceed with the public business of the State.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
September 10, 2007

Madame President:

It is ordered that a message be sent to the Senate informing your Honorable Body that pursuant to the Proclamation issued by Governor Michael F. Easley on September 6, 2007, reconvening the 2007 Session of the General Assembly to reconsider **H. B. 1761**, A BILL TO BE ENTITLED AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND, which was vetoed August 30, 2007, the House of Representatives is organized and now ready to proceed with the public business.

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
September 10, 2007

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 August 15, 2007, Kenneth Ray Furr has been administered the oath of

September 10, 2007

office as a Member of the House of Representatives for the remainder of the 2007 General Assembly. Representative Furr has been seated to fill the vacancy created by the resignation of the Honorable David D. Almond, Jr. from the Sixty Seventh House District.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Senate recesses at 2:14 P.M., subject to reading of Executive Orders, to reconvene at 3:00 P.M.

RECESS

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows:

Executive Order Number 122, Replacing Executive Order No. 74 Concerning Creation of a Program Office, a Policy Board, and Advisory Committees, to Support Sustainable Natural Resource and Environmental Management in the Albemarle-Pamlico Estuarine System.

Executive Order Number 123, Emergency Relief for Damage Caused by Drought.

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

The Senate recesses at 3:14 P.M. to reconvene at 4:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

The Senate recesses at 5:46 P.M. to convene an Extra Session of the 2007 General Assembly pursuant to a Proclamation received from the Governor, to reconvene at 9:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

September 10, 2007

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senators Goss and Queen:

S.J.R. 1574, A JOINT RESOLUTION EXPRESSING SORROW TO THE GOVERNOR OF MICHIGAN AND THE MEMBERS OF THE MICHIGAN LEGISLATURE FOR THE UPSET VICTORY OF APPALACHIAN STATE UNIVERSITY OVER THE UNIVERSITY OF MICHIGAN.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

Senator Clodfelter offers Amendment No. 1 which is adopted (46-1), and changes the title to read **S.J.R. 1574**, A JOINT RESOLUTION EXPRESSING SORROW TO THE GOVERNOR OF MICHIGAN AND THE MEMBERS OF THE MICHIGAN LEGISLATURE FOR THE VICTORY OF APPALACHIAN STATE UNIVERSITY OVER THE UNIVERSITY OF MICHIGAN.

The joint resolution, as amended, passes its second (44-3) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

Upon motion of Senator Dannelly, seconded by Senator Malone, the Senate adjourns at 8:14 P.M. to meet Tuesday, September 11, at 11:00 A.M.

ONE HUNDRED THIRTEENTH DAY
2007 Session Reconvened

Senate Chamber
Tuesday, September 11, 2007

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Honorable Steve Goss, Senator from Watauga County as follows:

"God, earlier today we invoked the tragedy and horror of 9/11 of 2001. But today we invoke the wonderful presence of 9/11 of 2007, a new day, a new hope, a new avenue of moving forward in your name on behalf of the State of North Carolina for this group and other similar groups throughout this Nation and certainly our Nation as a whole. So may we go forward now with the joy

September 11, 2007

and understanding that your presence is in our hearts and in our lives and in our souls everyday of our lives. In your presence and in your love we pray. Amen."

The Chair grants leaves of absence for today to Senator Dorsett, Senator Goodall, Senator Graham and Senator Jenkins.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, September 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 Senate recesses at 11:16 A.M. to reconvene at 12:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

The Senate recesses at 12:56 P.M. to reconvene upon the call of the Chair.

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 Forrester and Senator Jacumin.

INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Rand:

S.J.R. 1575, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION, AND CORRECTING A CROSS-REFERENCE IN THE ADJOURNMENT RESOLUTION.

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 (35-1) and third readings and is ordered sent to the House of Representatives by special message.

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

September 11, 2007

S.J.R. 1575, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION, AND CORRECTING A CROSS-REFERENCE IN THE ADJOURNMENT RESOLUTION. (Res. 70)

Upon motion of Senator Dannelly, seconded by all members of the Senate, the Senate adjourns at 4:09 P.M. to meet Tuesday, May 13, 2008, at 12:00 Noon.

BEVERLY E. PERDUE
President of the Senate

JANET B. PRUITT
Principal Clerk

ADDENDUM

SENATE JOURNAL

FIRST SESSION

2007



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" may appear 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 from Governor Michael F. Easley is received by the House of Representatives on August 30, 2007.

H.B. 1761, AN ACT TO CREATE THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND.

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 Mail Service Center • Raleigh, NC 27699-0301**

Michael F. Easley
Governor

August 30, 2007

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

House Bill 1761, "An Act to Create the Job Maintenance and Capital Development Fund."

House Bill 1761 would set a dangerous precedent for North Carolina's economic development policy and is not fair to her taxpayers. It calls for the state to give up \$40 million in cash to an existing company in one county with little or no regard for how much the company actually pays in state and local taxes, what wages it pays now or in the future, or whether it lays off nearly 25% of its workforce. Never in the history of the state has anyone given a company up to \$40 million and allowed them to lay off hundreds of workers.

We are proud of the employer and its hard working employees that House Bill 1761 was designed to help. But this bill does not protect those employees or the state of North Carolina.

Therefore, I veto the bill

S/Michael F. Easley

The bill, having been vetoed, is returned to the Clerk of the North Carolina House of Representatives on this 30th day of August 2007 at 1:13 P.M. for reconsideration by that body.

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 2007 Regular Session adjourned on August 2:

H.B. 714, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2007. (Became law upon approval of the Governor, August 6, 2007 – S.L. 2007-345.)

H.B. 818, AN ACT TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE AND TO AMEND THE LAWS PERTAINING TO THE PRACTICE OF DENTISTRY. (Became law upon approval of the Governor, August 7, 2007 – S.L. 2007-346.)

H.B. 1110, AN ACT TO MAKE TECHNICAL CHANGES TO THE STATE GOVERNMENT ETHICS ACT, THE LEGISLATIVE ETHICS ACT, AND THE LOBBYING LAW. (Became law upon approval of the Governor, August 9, 2007 – S.L. 2007-347.)

H.B. 1111, AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT ETHICS ACT, THE LEGISLATIVE ETHICS ACT, AND THE LOBBYING LAWS. (Became law upon approval of the Governor, August 9, 2007 – S.L. 2007-348.)

H.B. 1737, AN ACT TO REGULATE LEGAL EXPENSE FUNDS OF ELECTED OFFICERS TO PROVIDE FOR DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES AND TO LIMIT CERTAIN CONTRIBUTIONS. (Became law upon approval of the Governor, August 9, 2007 – S.L. 2007-349.)

H.B. 1546, AN ACT TO REQUIRE A COMMERCIAL DRIVERS LICENSE THAT HAS A SCHOOL BUS ENDORSEMENT TO EXPIRE THREE YEARS AFTER IT IS ISSUED. (Became law upon approval of the Governor, August 14, 2007 – S.L. 2007-350.)

H.B. 1374, AN ACT TO OVERTURN THE SHEPARD CASE AND AMEND THE LIMITATION REGARDING ACTIONS TO RECOVER FOR USURY; TO OVERTURN THE SKINNER CASE AND AMEND THE LONG-ARM STATUTE TO ALLOW NORTH CAROLINA COURTS TO EXERCISE PERSONAL JURISDICTION OVER CERTAIN NONRESIDENT DEFENDANTS; TO REQUIRE THAT A NOTICE OF FORECLOSURE CONTAIN CERTAIN INFORMATION; AND TO PROVIDE FOR MORTGAGE DEBT COLLECTION AND SERVICING. (Became law upon approval of the Governor, August 16, 2007 – S.L. 2007-351.)

H.B. 1817, AN ACT TO PROTECT CONSUMERS REGARDING COVERED LOANS AND TO INCREASE THE COMMISSIONER'S DISCIPLINARY AUTHORITY OVER LICENSEES UNDER THE MORTGAGE LENDING ACT. (Became law upon approval of the Governor, August 16, 2007 – S.L. 2007-352.)

H.B. 947, AN ACT TO REQUIRE THAT A NOTICE OF SALE IN FORECLOSURE PROCEEDINGS BE SENT TO CERTAIN TENANTS RESIDING IN THE PROPERTY TO BE SOLD, TO ALLOW THOSE TENANTS AFTER RECEIVING THE NOTICE TO TERMINATE THE RENTAL AGREEMENT UPON TEN DAYS' WRITTEN NOTICE TO THE LANDLORD, TO REQUIRE THAT THOSE TENANTS BE GIVEN THIRTY DAYS' NOTICE OF AN APPLICATION FOR AN ORDER FOR POSSESSION, AND TO CLARIFY THAT THE PROCEEDS IN THE AUTOMATION ENHANCEMENT AND PRESERVATION FUND MAY BE USED FOR THE PRESERVATION AND STORAGE OF PUBLIC RECORDS. (Became law upon approval of the Governor, August 16, 2007 – S.L. 2007-353.)

S.B. 371, AN ACT TO PROHIBIT COMMERCIAL USE OF LIKENESSES OF ANY SEAL OR COAT OF ARMS OF THE SENATE. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-354.)

S.B. 448, AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF AGING AND ADULT SERVICES, TO STUDY PROGRAM AND SERVICE LEVELS AND NEEDS FOR OLDER ADULTS IN BRUNSWICK, BUNCOMBE, GASTON, HENDERSON, MOORE, AND NEW HANOVER COUNTIES. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-355.)

H.B. 1402, AN ACT REQUIRING THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF TRANSPORTATION TO CONSULT WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS BEFORE BEGINNING THE DESIGN OR CONSTRUCTION OF NEW WELCOME CENTER OR VISITOR CENTER BUILDINGS AND CLARIFYING THAT THE DEPARTMENT OF TRANSPORTATION MAY PROCEED WITH THE CONSTRUCTION OF VISITOR CENTER BUILDINGS UNDERWAY IN RANDOLPH AND WILKES COUNTIES. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-356.)

H.B. 610, AN ACT TO SET THE NUMBER OF DESIGN-BUILD CONSTRUCTION CONTRACTS THAT MAY BE AWARDED BY THE DEPARTMENT OF TRANSPORTATION AT TWENTY-FIVE CONTRACTS EACH FISCAL YEAR. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-357.)

S.B. 882, AN ACT TO AUTHORIZE THE INDUSTRIAL COMMISSION TO EMPLOY SWORN LAW ENFORCEMENT OFFICERS TO PERFORM FRAUD INVESTIGATIONS. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-358.)

H.B. 958, AN ACT TO DESIGNATE THE GRAVEYARD OF THE ATLANTIC MUSEUM AS A MEMBER OF THE STATE HISTORY MUSEUMS DIVISION IN THE DEPARTMENT OF CULTURAL RESOURCES. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-359.)

H.B. 563, AN ACT TO MAKE CHANGES IN MOTOR VEHICLE LAW REGARDING WHAT "PUBLIC SERVICE VEHICLE" MEANS, CHANGING THE WORD STOPLIGHT TO TRAFFIC SIGNAL, CHANGING THE TIME ALLOWED FOR REMOVAL OF A VEHICLE FROM A PUBLIC HIGHWAY OR REST AREA, AUTHORIZING LOCAL GOVERNMENTS TO ADOPT ORDINANCES REGULATING DEMONSTRATIONS ON STATE ROADS AND HIGHWAYS, AND THE WEARING OF A SAFETY HELMET BY USE OF A RETENTION STRAP. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-360.)

H.B. 589, AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF THE POULTRY PRODUCTS INSPECTION ACT. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-361.)

S.B. 1032, AN ACT TO IMPOSE TIME LIMITATIONS ON OVERPAYMENT RECOVERY UNDER THE PROMPT CLAIM PAYMENTS STATUTE AND TO REQUIRE THAT INSURERS OFFERING HEALTH BENEFITS PLANS PROVIDE INSURANCE IDENTIFICATION CARDS. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-362.)

S.B. 1517, AN ACT TO REQUIRE THE CONSPICUOUS DISCLOSURE OF ANY MAINTENANCE FEES CHARGED FOR GIFT CARDS AND TO PROHIBIT ISSUERS OF GIFT CARDS FROM CHARGING MAINTENANCE FEES FOR ONE YEAR AFTER THE DATE OF PURCHASE. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-363.)

S.B. 509, AN ACT TO INCREASE THE PERIOD OF TIME ALLOWED FOR REINSPECTION AFTER FAILING A MOTOR VEHICLE INSPECTION, TO WAIVE THE CIVIL PENALTY FOR FAILURE TO MEET THE EMISSIONS INSPECTION REQUIREMENT WHILE ON ACTIVE MILITARY DUTY OUTSIDE THE STATE, AND TO AMEND PENALTY PROVISIONS. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-364.)

S.B. 1245, AN ACT AMENDING THE LAWS RELATED TO RETAINAGE PAYMENTS ON PUBLIC CONSTRUCTION CONTRACTS. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-365.)

S.B. 744, AN ACT TO REMOVE THE TEN PERCENT CEILING ON THE EXPENSE RESERVE FUND OF THE NORTH CAROLINA REAL ESTATE COMMISSION UNDER THE REAL ESTATE LICENSING LAWS AND TO ALLOW THE REAL ESTATE COMMISSION TO SERVE NOTICE OF HEARING BY FIRST-CLASS MAIL ON APPLICANTS REQUESTING HEARINGS REGARDING THE APPLICANTS' CHARACTER OR FITNESS FOR LICENSURE. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-366.)

S.B. 1065, AN ACT AUTHORIZING COMMUNITY COLLEGES TO IMPLEMENT A TUITION SURCHARGE AND TO USE ENDOWED SCHOLARSHIP FUNDS TO OFFSET THE COST OF A TUITION SURCHARGE. (Became law upon approval of the Governor, August 17, 2007 – S.L. 2007-367.)

S.B. 1240, AN ACT TO ENSURE THAT ALL BREAD SOLD AT A BAKERY THRIFT STORE IS TAXED AT THE SAME SALES TAX RATE. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-368.)

S.B. 1218, AN ACT TO REQUIRE ALL CANDIDATES TO DISCLOSE FELONY CONVICTIONS. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-369.)

S.B. 1211, AN ACT TO REQUIRE FINGERPRINTING OF ANY PERSON ARRESTED FOR ANY OFFENSES INVOLVING IMPAIRED DRIVING OR FOR DRIVING WHILE LICENSE REVOKED. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-370.)

S.B. 1152, AN ACT TO REQUIRE COUNTIES AND CITIES TO PAY INTEREST ON ILLEGALLY EXACTED TAXES, FEES, OR MONETARY CONTRIBUTIONS FOR DEVELOPMENT THAT ARE NOT SPECIFICALLY AUTHORIZED BY LAW. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-371.)

S.B. 1023, AN ACT TO CLARIFY THE STATUS OF LOCAL ENTITY EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT, TO MODIFY THE PUBLIC RECORDS LAWS APPLICABLE TO THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGES, TO PROTECT THE PRIVACY OF APPLICANTS WHO ARE NOT ADMITTED OR WHO DO NOT ENROLL, AND TO PROVIDE THAT CERTAIN AUDIT RECORDS ARE PUBLIC DOCUMENTS. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-372.)

S.B. 1270, AN ACT TO AMEND VARIOUS LARCENY STATUTES AND TO CREATE THE CRIMINAL OFFENSES OF ORGANIZED RETAIL THEFT. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-373.)

S.B. 1058, AN ACT TO PROHIBIT THE FRAUDULENT OBTAINING, SELLING, OR SOLICITING OF TELEPHONE RECORDS. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-374.)

S.B. 8, AN ACT TO INCREASE THE "SAFE ZONES" NEAR CHILD CARE CENTERS AND SCHOOL GROUNDS REGARDING ILLEGAL DRUG SALES FROM THREE HUNDRED FEET TO ONE THOUSAND FEET, AND TO EXPAND THE "SAFE ZONE" FOR PUBLIC PARKS TO INCLUDE ALL PUBLIC PARKS, NOT JUST THOSE WITH PLAYGROUNDS, AND TO INCREASE THE DISTANCE OF THOSE SAFE ZONES TO ONE THOUSAND FEET. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-375.)

S.B. 1115, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM FOR LATERAL ENTRY TEACHERS. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-376.)

S.B. 1009, AN ACT TO CLARIFY THAT A WITNESS'S ORAL STATEMENTS TO A PROSECUTING ATTORNEY DO NOT NEED TO BE RECORDED UNLESS THE STATEMENT CONTAINS SIGNIFICANTLY NEW OR DIFFERENT INFORMATION FROM A PRIOR STATEMENT AND TO PROVIDE WHAT TYPE OF WITNESS IDENTIFICATION INFORMATION MUST BE DISCLOSED TO THE DEFENDANT. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-377.)

S.B. 914, AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN AND TO ENSURE THAT TEACHERS CAN TAKE PERSONAL LEAVE WITH FIVE DAYS' NOTICE. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-378.)

S.B. 1090, AN ACT AMENDING CERTAIN PROVISIONS TO ALLOW FOR PROVISIONAL LICENSURE OF CLINICAL SOCIAL WORKERS UNDER THE LAWS REGULATING THE PRACTICE OF SOCIAL WORK. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-379.)

S.B. 925, AN ACT TO AMEND THE LAW ALLOWING IMPROPER EQUIPMENT AS A LESSER INCLUDED OFFENSE OF SPEEDING AND TO PRECLUDE A PRAYER FOR JUDGMENT CONTINUED AS A DISPOSITION WHERE A DRIVER EXCEEDS THE POSTED SPEED LIMIT BY MORE THAN TWENTY-FIVE MILES PER HOUR. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-380.)

S.B. 581, AN ACT TO ALLOW COUNTIES AND CITIES TO PROVIDE BUILDING PERMIT FEE REDUCTIONS OR PARTIAL REBATES TO ENCOURAGE CONSTRUCTION OF BUILDINGS USING SUSTAINABLE DESIGN PRINCIPLES TO ACHIEVE ENERGY EFFICIENCY. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-381.)

S.B. 924, AN ACT TO CHANGE THE ELEMENT MAKING PASSING A STOPPED SCHOOL BUS AND STRIKING A PERSON A FELONY FROM REQUIRING "SERIOUS BODILY INJURY" AND REMOVING THE REQUIREMENT OF SIGNAGE BEING AT LEAST EIGHT INCHES FROM THE DEFINITION OF SCHOOL BUS TO CORRESPOND TO THE CHANGES MADE TO G.S. 20-217 IN THE 2005 SESSION AND REQUIRING THAT SCHOOL BUSES BE PAINTED YELLOW. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-382.)

H.B. 1755, AN ACT TO MODERNIZE AND IMPROVE THE ADMINISTRATION OF THE STATE'S 911 SYSTEM THROUGH A STATEWIDE 911 BOARD, BY ENSURING THAT ALL VOICE SERVICES CONTRIBUTE TO THE 911 SYSTEM AND BY PROVIDING PARITY IN THE QUALITY OF SERVICE AND THE LEVEL OF 911 CHARGES ACROSS VOICE COMMUNICATIONS SERVICE PROVIDERS. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-383.)

S.B. 580, AN ACT TO ESTABLISH THE LOCAL GOVERNMENT POST-EMPLOYMENT BENEFITS FUND UNDER THE MANAGEMENT OF THE STATE TREASURER, TO ESTABLISH THE LOCAL GOVERNMENT LAW ENFORCEMENT SPECIAL SEPARATION ALLOWANCE BENEFITS FUND UNDER THE MANAGEMENT OF THE STATE TREASURER, TO AUTHORIZE THE TREASURER TO MAKE EQUITY INVESTMENTS FROM THE FUND TO THE SAME EXTENT ALLOWED FOR CERTAIN INVESTMENTS FROM THE STATE RETIREMENT SYSTEM, TO ALLOW LOCAL ENTITIES TO ESTABLISH OTHER IRREVOCABLE TRUSTS TO FUND POST-EMPLOYMENT BENEFITS, AND TO ALLOW LOCAL GOVERNMENTS TO ESTABLISH OTHER IRREVOCABLE TRUSTS TO FUND LAW ENFORCEMENT SPECIAL SEPARATION ALLOWANCE BENEFITS. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-384.)

S.B. 576, AN ACT TO AMEND THE LAWS GOVERNING BUSINESS ENTITIES TO MAKE VARIOUS CLARIFYING AND TECHNICAL CHANGES REGARDING MERGERS AND THE AUTHORITY OF BOARD COMMITTEES. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-385.)

S.B. 661, AN ACT TO AMEND ALCOHOLIC BEVERAGE CONTROL ELECTION LAWS TO ALLOW CITIES WHICH ARE LOCATED IN MORE

THAN ONE COUNTY TO HAVE A CITYWIDE ELECTION FOR MIXED BEVERAGES. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-386.)

S.B. 728, AN ACT TO ENCOURAGE MEDIATION IN DISTRICT CRIMINAL COURTS AND TO ESTABLISH A PROGRAM WITHIN THE DISPUTE RESOLUTION COMMISSION FOR THE CERTIFICATION OF MEDIATORS WORKING IN THE DISTRICT CRIMINAL COURTS. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-387.)

S.B. 720, AN ACT TO PROVIDE FOR AN OPEN ENROLLMENT PERIOD IN THE CONTRIBUTORY DEATH BENEFIT FOR RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE LEGISLATIVE RETIREMENT SYSTEM. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-388.)

S.B. 768, AN ACT TO AMEND THE NORTH CAROLINA RECREATIONAL THERAPY LICENSURE ACT TO EXEMPT CERTAIN PERSONS EMPLOYED UNDER THE DIRECTION OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNTIL JULY 1, 2010. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-389.)

H.B. 1384, AN ACT TO REPEAL THE STATUTORY RULE AGAINST PERPETUITIES AS IT APPLIES TO TRUSTS CREATED OR ADMINISTERED IN THIS STATE AND CODIFY THE LAW REGARDING THE POWER OF ALIENATION FOR TRUSTS CREATED IN NORTH CAROLINA. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-390.)

H.B. 1743, AN ACT TO CLARIFY THE PERJURY PROVISION IN CAMPAIGN FINANCE STATUTES; TO PROVIDE CIVIL PENALTIES FOR DECEPTIVE LATE FILING OF CAMPAIGN REPORTS; TO REPEAL THE THREE-THOUSAND-DOLLAR PRESUMPTION OF A COMMITTEE'S MAJOR PURPOSE; TO PROVIDE FOR EARLIER DISTRIBUTION OF THE JUDICIAL VOTER GUIDE; TO CORRECT AN ERROR IN THE ELECTIONS OATH STATUTE; TO PROVIDE FOR PARTICIPATION IN THE CENSUS REDISTRICTING DATA PROGRAM AND FOR CONSISTENCY OF ELECTION DATA; TO ALLOW BALLOTS TO BE COMBINED; TO CORRECT AND MAKE CONSISTENT THE DESIGNATION OF MULTICOUNTY DISTRICTS IN THE BALLOT ACCESS STATUTES; TO PROVIDE FOR A MISDEMEANOR PENALTY FOR BREACHING BALLOT SECRECY; TO PROVIDE THAT A BALLOT NEED NOT HAVE A WRITE-IN SPACE IF NO WRITE-INS ARE ALLOWED; TO CORRECT A DATE REFERENCE IN THE

CERTIFICATION STATUTE; TO EXTEND THE PROVISION FOR RECASTING LOST VOTES; TO CLARIFY THAT THE BUFFER ZONE LAW APPLIES TO ONE-STOP SITES; TO EXTEND THE LIMITATIONS ON POLITICAL ACTIVITIES FOR ELECTION BOARD MEMBERS TO ELECTION BOARD EMPLOYEES; TO REQUIRE THAT BOARDS OF ELECTIONS BE PROVIDED MAPS OF SANITARY DISTRICTS; TO PROVIDE MISDEMEANOR PENALTIES FOR CERTAIN ABUSES AT VOTER REGISTRATION DRIVES; TO PROVIDE FOR A FELONY PENALTY FOR INSTRUCTING OR COERCING NONCITIZEN VOTING; TO UPDATE THE REPORTING OF FELONY CONVICTIONS; TO CLARIFY THE PUBLIC RECORD STATUS OF CERTAIN VOTER REGISTRATION INFORMATION; TO BROADEN THE STATUTE REGARDING CORRECTING VOTER REGISTRATION FORMS; TO APPLY THE IDENTIFICATION REQUIREMENT TO VOTERS WHOSE DRIVERS LICENSE NUMBERS OR SOCIAL SECURITY NUMBERS CANNOT BE MATCHED IN A COMPUTER CHECK; TO PROVIDE FOR NOTICE IN THE APPOINTMENT OF OBSERVERS AND RUNNERS; TO PROHIBIT TAKING THE PICTURE OF A VOTER WHILE INSIDE THE VOTING ENCLOSURE; TO MAKE THE STATE BOARD OF ELECTIONS RESPONSIBLE FOR BALLOT CODING; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH SPECIFICATIONS FOR BALLOT PRINTERS AND TO MAINTAIN THEIR SOFTWARE WARRANTIES; TO FACILITATE VOTER REGISTRATION BY FORMER FELONS UPON THE COMPLETION OF THEIR SENTENCE AND THE RESTORATION OF THEIR CITIZENSHIP; AND TO REQUIRE THAT A PERSON APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON THE DATE OF APPOINTMENT; AND TO MAKE OTHER AMENDMENTS TO THE ELECTION LAWS. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-391.)

S.B. 320, AN ACT AUTHORIZING THE SECRETARY OF ADMINISTRATION TO DEVELOP AND ADMINISTER A STATEWIDE UNIFORM CERTIFICATION PROGRAM FOR HISTORICALLY UNDERUTILIZED BUSINESSES DOING BUSINESS WITH STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS, AND POLITICAL SUBDIVISIONS OF THE STATE. (Became law upon approval of the Governor, August 19, 2007 – S.L. 2007-392.)

S.B. 1130, AN ACT CLARIFYING THAT DEFENDANTS MUST HAVE ACCESS TO THE COMPLETE FILES OF ALL LAW ENFORCEMENT, TO MAKE CHANGES TO THE STATE BUDGET ACT AS IT APPLIES TO THE JUDICIAL BRANCH, TO ADD A NEW DUTY TO THE DIRECTOR'S POWERS AND DUTIES, TO MODIFY OR REPEAL CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, TO MAKE CLARIFYING CHANGES FOR CONTINUING TRAINING FOR MAGISTRATES, TO

ESTABLISH A PILOT PROGRAM ALLOWING JURORS TO WAIVE PAYMENT OF PER DIEM FEES AND DESIGNATE FEES FOR OTHER SERVICES. (Became law upon approval of the Governor, August 20, 2007 – S.L. 2007-393.)

S.B. 1241, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA. (Became law upon approval of the Governor, August 20, 2007 – S.L. 2007-394.)

S.B. 1196, AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT. (Became law upon approval of the Governor, August 20, 2007 – S.L. 2007-395.)

S.B. 1167, AN ACT DIRECTING THE DEPARTMENT OF ADMINISTRATION TO INFORM COUNTIES AND MUNICIPALITIES BEFORE ACQUIRING LAND WITHIN THEIR BOUNDARIES. (Became law upon approval of the Governor, August 20, 2007 – S.L. 2007-396.)

S.B. 3, AN ACT TO: (1) PROMOTE THE DEVELOPMENT OF RENEWABLE ENERGY AND ENERGY EFFICIENCY IN THE STATE THROUGH IMPLEMENTATION OF A RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS), (2) ALLOW RECOVERY OF CERTAIN NONFUEL UTILITY COSTS THROUGH THE FUEL CHARGE ADJUSTMENT PROCEDURE, (3) PROVIDE FOR ONGOING REVIEW OF CONSTRUCTION COSTS AND FOR RECOVERY OF COSTS IN RATES IN A GENERAL RATE CASE, (4) ADJUST THE PUBLIC UTILITY AND ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEES, (5) PROVIDE FOR THE PHASEOUT OF THE TAX ON THE SALE OF ENERGY TO NORTH CAROLINA FARMERS AND MANUFACTURERS, AND (6) ALLOW A TAX CREDIT TO CONTRIBUTORS TO 501(C)(3) ORGANIZATIONS FOR RENEWABLE ENERGY PROPERTY. (Became law upon approval of the Governor, August 20, 2007 – S.L. 2007-397.)

S.B. 1096, AN ACT TO EXEMPT CERTAIN INMATE WORK ASSIGNMENTS FROM THE STATE SURPLUS LAWS, TO REMOVE ANTIQUATED LANGUAGE REGARDING THE USE OF FEMALE INMATES IN PRISON LABOR PROJECTS, AND TO CLARIFY THE LAW REGARDING THE GIFT OR SALE OF CRAFT ITEMS MADE WITH DONATED SUPPLIES AND EQUIPMENT BY VOLUNTEERS WHO ARE INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-398.)

S.B. 1327, AN ACT TO ADD AN EXCEPTION TO THE CIRCUMSTANCES UNDER WHICH A SURETY ON A BAIL BOND IS NOT REQUIRED TO RETURN THE PREMIUM ON THE BOND UNDER THE LAWS REGULATING BAIL BONDSMEN AND RUNNERS. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-399.)

S.B. 1036, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP THE BLUE RIDGE PARKWAY PLATE FOR MOTORCYCLES AND TO ISSUE A SPECIAL REGISTRATION PLATE FOR THE BACK COUNTRY HORSEMEN OF NORTH CAROLINA AND FOR THE MAGGIE VALLEY TROUT FESTIVAL. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-400.)

S.B. 1464, AN ACT TO AMEND THE WILDLIFE RESOURCES MANAGEMENT LAWS BY AUTHORIZING THE WILDLIFE RESOURCES COMMISSION TO RESPOND TO DISEASE THREATS; BY ALLOWING THE TAKING OF BEAVER WITH BOW AND ARROW; BY AMENDING CERTAIN LAWS GOVERNING THE TAKING OF DEER; BY PROVIDING FOR THE SAFETY OF BOW HUNTERS DURING FIREARMS SEASON; BY PROHIBITING THE FEEDING OF ALLIGATORS; BY ALLOWING THE USE OF ELECTRONIC CALLING DEVICES FOR SNOW GEESE; AND STUDYING THE TRACKING OF WOUNDED WILDLIFE AFTER LEGAL HUNTING HOURS. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-401.)

H.B. 267, AN ACT TO ALLOW THE ISSUANCE OF OFF-PREMISES MALT BEVERAGE AND UNFORTIFIED WINE PERMITS TO INCORPORATED MUNICIPALITIES AFTER AN ELECTION ALLOWING THE SALE OF MIXED BEVERAGES, TO AMEND THE LAW CONCERNING THE JANUARY 1, 2008, REQUIREMENT FOR CERTAIN ABC PERMITTEES TO RECYCLE BEVERAGE CONTAINERS, AND TO AUTHORIZE WINEMAKING ON PREMISES BY AN UNFORTIFIED WINERY PERMIT HOLDER. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-402.)

H.B. 118, AN ACT TO PROVIDE THAT A PERSON CHARGED WITH A SEX OFFENSE WHO IS ORDERED TO BE TESTED FOR A SEXUALLY TRANSMITTED INFECTION MUST BE TESTED WITHIN FORTY-EIGHT HOURS OF THE COURT ORDER AND TO PROVIDE THAT HIV TESTING UNDER THESE PROVISIONS WILL USE THE HIV-RNA DETECTION TEST FOR DETERMINING HIV INFECTION. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-403.)

S.B. 1495, AN ACT TO REQUIRE THAT A VEHICLE USED TO TOW OR TRANSPORT ANOTHER VEHICLE BE MARKED SO THAT THE OWNER MAY BE IDENTIFIED AND TO ADD AN EXEMPTION FROM THE SEAT

BELT LAW FOR DRIVERS OR PASSENGERS OF A RESIDENTIAL GARBAGE OR RECYCLING TRUCK WHILE THE TRUCK IS OPERATING DURING COLLECTION ROUNDS AND WHILE TRAVELING TO AND FROM GARBAGE AND RECYCLING MATERIAL LOADING AND UNLOADING LOCATIONS. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-404.)

H.B. 508, AN ACT TO AUTHORIZE MITCHELL COUNTY AND THE TOWNS OF BILTMORE FOREST, BLACK CREEK, BLACK MOUNTAIN, BLOWING ROCK, OCEAN ISLE BEACH, SUNSET BEACH, AND TABOR CITY TO ENROLL ITS EMPLOYEES OR RETIREES IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-405.)

S.B. 1332, AN ACT AUTHORIZING THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES AND AMENDING AND UPDATING CERTAIN OTHER PROVISIONS UNDER THE LAWS REGULATING HEARING AID DEALERS AND FITTERS. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-406.)

S.B. 1117, AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN CIVIL CASES HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE INTO THE JURY ROOM EXHIBITS INTRODUCED INTO EVIDENCE AND PASSED TO THE JURY IN THE COURSE OF THE TRIAL, PHOTOGRAPHS ADMITTED INTO EVIDENCE, SHOWN TO THE JURY AND USED BY ANY WITNESSES IN THEIR TESTIMONY, AND ANY ILLUSTRATIVE EXHIBIT ADMITTED INTO EVIDENCE AND USED BY ANY WITNESSES IN THEIR TESTIMONY EXCEPT SUMMARIES OF TESTIMONY, LISTS MADE IN THE COURTROOM AND SUCH SIMILAR DOCUMENTS AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY, AND TO PROVIDE THAT DEPOSITIONS MAY ONLY BE TAKEN INTO THE JURY ROOM WITH CONSENT OF THE PARTIES. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-407.)

S.B. 1303, AN ACT TO ESTABLISH A MOUNTAIN HERITAGE TROUT WATERS THREE-DAY FISHING LICENSE AND TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ADOPT RULES TO ESTABLISH AND IMPLEMENT A MOUNTAIN HERITAGE TROUT WATERS PROGRAM. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-408.)

S.B. 1292, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT A POLICY REQUIRING TEACHERS TO TAKE CREDITS IN THEIR ACADEMIC SUBJECT AREA AS PART OF THE LICENSURE

RENEWAL PROCESS. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-409.)

H.B. 628, AN ACT TO CREATE A UNIFORM CO-PAYMENT SCHEDULE FOR MH/DD/SA SERVICES AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-410.)

H.B. 535, AN ACT TO AUTHORIZE CRIMINAL BACKGROUND REVIEWS FOR CURRENT AND FUTURE EMS PERSONNEL. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-411.)

H.B. 573, AN ACT TO PROVIDE THAT A DISTRICT COURT JUDGE OR SUPERIOR COURT JUDGE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-412.)

S.B. 1353, AN ACT PROVIDING FOR A REVIEW OF THE APPLICATION OF THE STATE PERSONNEL ACT TO EMPLOYEES OF THE UNIVERSITY OF NORTH CAROLINA. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-413.)

S.B. 556, AN ACT AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING OR STRUCTURE CODE. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-414.)

S.B. 806, AN ACT TO LENGTHEN THE TIME GOODS PURCHASED BY PAWNBROKERS MUST BE HELD BEFORE RESALE. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-415.)

H.B. 1829, AN ACT AUTHORIZING THE NORTH CAROLINA MANUFACTURED HOUSING BOARD TO USE ALTERNATIVE METHODS FOR CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR LICENSURE UNDER THE LAWS REGULATING MANUFACTURED HOMES. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-416.)

S.B. 747, AN ACT TO ESTABLISH REQUIREMENTS FOR BUILDER DESIGNATIONS UNDER THE LAWS PERTAINING TO GENERAL CONTRACTORS. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-417.)

H.B. 1381, AN ACT AUTHORIZING THE NORTH CAROLINA RESPIRATORY CARE BOARD TO RAISE THE CEILING ON CERTAIN LICENSURE FEES AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-418.)

H.B. 1395, AN ACT TO AUTHORIZE THE UTILITIES COMMISSION TO CONSIDER DIFFERENCES BETWEEN ELECTRIC MEMBERSHIP CORPORATIONS AND CITIES NOT RESOLVED PURSUANT TO G.S. 160A-331.2(B), AS ENACTED BY S.L. 2005-150. (Became law upon approval of the Governor, August 21, 2007 – S.L. 2007-419.)

S.B. 1277, AN ACT TO PROVIDE THAT ALL VEHICLES TRANSFERRED TO OR PURCHASED BY THE STATE THAT ARE DESIGNED TO OPERATE ON DIESEL FUEL SHALL BE COVERED BY AN EXPRESS MANUFACTURER'S WARRANTY THAT ALLOWS THE USE OF B-20 FUEL. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-420.)

H.B. 1625, AN ACT TO ENACT THE EYEWITNESS IDENTIFICATION REFORM ACT. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-421.)

H.B. 1598, AN ACT TO EXTEND THE SUNSET ON THE TAX CREDITS FOR QUALIFIED BUSINESS INVESTMENTS AND TO EXTEND THE TIME FOR FILING AN APPLICATION TO OCTOBER 15. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-422.)

S.B. 1452, AN ACT TO REQUIRE PUBLIC SCHOOL BUSES OR OTHER VEHICLES FOR STUDENT TRANSPORTATION THAT ARE CAPABLE OF OPERATING ON DIESEL FUEL TO BE CAPABLE OF OPERATING ON DIESEL FUEL WITH A MINIMUM BIODIESEL CONCENTRATION OF B-20. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-423.)

H.B. 1401, AN ACT TO ENACT THE NORTH CAROLINA INTERNAL AUDIT ACT. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-424.)

H.B. 14, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO PROVIDE HOMEBOUND INSTRUCTION FOR DISCIPLINE PURPOSES WHEN IT IS THE LEAST RESTRICTIVE ALTERNATIVE FOR STUDENTS WITH DISABILITIES AND TO REQUIRE A REGULAR EVALUATION OF THE APPROPRIATENESS OF

THE HOMEBOUND INSTRUCTION. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-425.)

H.B. 649, AN ACT AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' REGISTRATION BOARD TO INCREASE CERTAIN FEES AND ESTABLISH A NEW FEE UNDER THE LAWS PERTAINING TO LANDSCAPE CONTRACTORS. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-426.)

H.B. 1231, AN ACT TO WAIVE THE REQUIREMENT TO OBTAIN A CONCEALED HANDGUN PERMIT TO CARRY A CONCEALED HANDGUN FOR CERTAIN PERSONS AUTHORIZED BY FEDERAL LAW TO CARRY CONCEALED HANDGUNS AND FOR CERTAIN FEDERAL AND STATE RETIRED LAW ENFORCEMENT OFFICERS, AND TO EXEMPT ARMED ARMORED CAR SERVICE GUARDS AND ARMED SECURITY GUARDS WHILE PERFORMING DUTIES FROM PROHIBITIONS ON CARRYING WEAPONS ON CERTAIN EDUCATIONAL PROPERTY. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-427.)

S.B. 1513, AN ACT TO ALLOW COUNTIES TO PARTICIPATE IN FINANCING IMPROVEMENTS TO PUBLIC STREETS, HIGHWAYS, AND BRIDGES; AND TO ALLOW MUNICIPALITIES THAT RECEIVE AN ALLOCATION OF FUNDS FROM THE HIGHWAY FUND AND THE HIGHWAY TRUST FUND WITH MONIES FOR REPAIR, MAINTENANCE, CONSTRUCTION, RECONSTRUCTION, WIDENING, OR IMPROVING STREETS OF THE MUNICIPALITY AN OPTION TO ELECT TO CONTINUE TO RECEIVE ALLOCATIONS OR HAVE THE ALLOCATION REPROGRAMMED TO FUND ANY PROJECT ON THE DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION IMPROVEMENT LIST. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-428.)

H.B. 20, AN ACT TO IMPLEMENT A RECOMMENDATION OF THE HOUSE SELECT COMMITTEE ON THE EDUCATION OF STUDENTS WITH DISABILITIES TO ESTABLISH STANDARDS FOR HOMEBOUND INSTRUCTION. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-429.)

H.B. 1060, AN ACT AUTHORIZING CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS WITHIN OR OUTSIDE OF THE STATE, NONPROFIT ORGANIZATIONS, OR OFFICIALLY ADOPTED SISTER CITIES. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-430.)

H.B. 777, AN ACT TO MAKE TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-431.)

H.B. 671, AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-432.)

H.B. 767, AN ACT TO ALLOW ALL LAW ENFORCEMENT OFFICERS AND ALL FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES PERSONNEL THROUGHOUT THE STATE TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES; TO ALLOW CERTAIN MUNICIPAL AND COUNTY EMPLOYEES CURRENTLY AUTHORIZED TO USE ALL-TERRAIN VEHICLES ON SOME PUBLIC HIGHWAYS WHILE ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES TO CONTINUE; TO REPEAL LOCAL ACTS ON THE SUBJECT; AND TO MANDATE THAT ATV SAFETY COURSES BE APPROVED BY THE COMMISSIONER OF INSURANCE. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-433.)

H.B. 1626, AN ACT TO PROVIDE THAT A CUSTODIAL INTERROGATION IN A HOMICIDE CASE MUST BE ELECTRONICALLY RECORDED IN ITS ENTIRETY. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-434.)

H.B. 1460, AN ACT TO ALLOW THE ATTORNEY GENERAL TO REQUIRE CERTAIN CIGARETTE MANUFACTURERS TO MAKE QUARTERLY ESCROW DEPOSITS, TO TREAT CERTAIN AFFILIATES OF A MANUFACTURER OF OTHER TOBACCO PRODUCTS AS IF THEY WERE THE MANUFACTURER FOR PURPOSES OF ADMINISTRATION OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, AND TO PROVIDE THAT THE PERMISSION GRANTED TO A CIGARETTE MANUFACTURER TO BE RELIEVED OF PAYING THE CIGARETTE EXCISE TAX APPLIES TO ALL TOBACCO PRODUCTS DISTRIBUTED

BY THE MANUFACTURER. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-435.)

H.B. 892, AN ACT TO UPDATE THE LICENSURE ACT FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-436.)

S.B. 1431, AN ACT TO AUTHORIZE THE ADDITION OF DEEP RIVER STATE TRAIL TO THE STATE PARKS SYSTEM AND TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-437.)

H.B. 859, AN ACT TO ESTABLISH TRANSITIONAL NUTRIENT OFFSET PAYMENTS AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP AND IMPLEMENT A PLAN TO TRANSITION THE NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM NUTRIENT OFFSET PROGRAM FROM A FEE-BASED PROGRAM TO A PROGRAM BASED ON THE ACTUAL COSTS OF PROVIDING NUTRIENT CREDITS. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-438.)

H.B. 802, AN ACT TO PROVIDE THE DEPARTMENT OF TRANSPORTATION CONTRACTING AUTHORITY TO PROVIDE FOR TRANSPORTATION INFRASTRUCTURE, LITTER REMOVAL FROM STATE RIGHTS-OF-WAY, AND TRAVEL INFORMATION AT STATE-OWNED REST AREAS. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-439.)

S.B. 1482, AN ACT TO EXEMPT FROM THE REQUIREMENTS OF G.S. 136-102.6 SUBDIVISIONS LOCATED WITHIN THE EXTRATERRITORIAL PLANNING JURISDICTION OF MUNICIPALITIES HAVING A POPULATION OF AT LEAST 500,000, IN AND TO THE EXTENT THAT SUCH SUBDIVISIONS CONTAIN STREETS THAT HAVE BEEN APPROVED BY ANY SUCH MUNICIPALITY AS MEETING THE PUBLIC STREET STANDARDS OF SUCH MUNICIPALITY PRIOR TO THE EFFECTIVE DATE OF THIS ACT, AND TO EXEMPT SUCH SUBDIVISIONS FROM ANY ORDINANCE REQUIREMENT THAT SUCH PUBLIC STREETS MEET THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-440.)

H.B. 1181, AN ACT TO PROVIDE FOR CONTRACT FINANCING AND SURETY BONDS FOR SMALL BUSINESSES THAT CONTRACT WITH GOVERNMENTAL AGENCIES. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-441.)

H.B. 1537, AN ACT TO MAKE CHANGES TO THE MEDICAID ESTATE RECOVERY LAW; TO AMEND THE LAW RESPECTING DATA SHARING BY HEALTH INSURERS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MEDICAL ASSISTANCE; AND TO ENACT A PROCEDURE FOR THE WAIVER OF THE MEDICAID TRANSFER OF ASSETS PENALTY DUE TO UNDUE HARDSHIP. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-442.)

H.B. 729, AN ACT TO ADDRESS NONFLEET PRIVATE PASSENGER MOTOR VEHICLE INSURANCE RATE EVASION FRAUD AND TO AUTHORIZE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE ISSUES RELATED TO AUTOMOBILE INSURANCE RATE EVASION. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-443.)

H.B. 772, AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO SUSPEND ADMISSIONS OR SERVICES IN HOSPITALS AS PART OF TAKING ADVERSE ACTION AGAINST A HOSPITAL'S LICENSE; TO ALLOW FOR THE WAIVER OF HOSPITAL LICENSURE RULES DURING AN EMERGENCY; TO ALLOW CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF LICENSED MENTAL HEALTH FACILITIES BY PRIVATE ENTITIES; TO MAKE TECHNICAL CORRECTIONS IN THE HEALTH CARE PERSONNEL REGISTRY STATUTES; TO REQUIRE FINES TO BE PAID PRIOR TO TRANSFER OF OWNERSHIP OF ADULT CARE HOMES; TO CHANGE TIME FRAMES OF INVESTIGATIONS OF ADULT CARE HOMES; AND TO REQUIRE THE CODIFIER OF RULES TO CHANGE THE NAME OF THE DIVISION OF FACILITY SERVICES AND THE HEALTH SERVICES COMMISSION. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-444.)

S.B. 1479, AN ACT TO PROVIDE ADDITIONAL SUPPORT TO HIGH-NEED SCHOOLS. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-445.)

H.B. 73, AN ACT TO IMPROVE THE STATE CAPITAL FACILITIES PROGRAM BY DIRECTING THE STATE BUILDING COMMISSION TO REVIEW THE PROGRAM AND IMPLEMENT MEASURES TO REDUCE DELAYS AND INCREASE ACCOUNTABILITY AMONG THE PARTIES TO THE DESIGN AND CONSTRUCTION PROCESS, BY INCREASING THE BIDDING AND DESIGNER SELECTION THRESHOLDS FOR STATE CONSTRUCTION CONTRACTS, AND BY DIRECTING THE STATE PERSONNEL OFFICE TO CONDUCT A MARKET STUDY OF ARCHITECT AND ENGINEERING POSITION CLASSIFICATIONS. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-446.)

S.B. 1408, AN ACT TO CLARIFY DISCIPLINARY AUTHORITY OF THE NORTH CAROLINA APPRAISAL BOARD UNDER THE NORTH CAROLINA APPRAISERS ACT. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-447.)

S.B. 1365, AN ACT TO PROVIDE THAT INTEREST EARNED ON THE WILDLIFE CONSERVATION ACCOUNT SHALL BE CREDITED TO THE ACCOUNT. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-448.)

S.B. 1383, AN ACT TO ALLOW ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED OR LEASED LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED, HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD CAUSE SUBSTANTIAL HARM TO THE LAND OR THE ENVIRONMENT, AND TO ALLOW THE PUBLIC TO USE THE LAND FOR THE PURPOSE OF HIKING OR WALKING. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-449.)

H.B. 1607, AN ACT RECOGNIZING JUNETEENTH NATIONAL FREEDOM DAY IN NORTH CAROLINA. (Became law upon approval of the Governor, August 23, 2007 – S.L. 2007-450.)

H.B. 1785, AN ACT TO REQUIRE CIGARETTE FIRE SAFETY BY ADOPTING A CIGARETTE FIRE-SAFETY STANDARD AND TO CLARIFY THE STOCKHOLDER REQUIREMENTS FOR A BEHAVIORAL HEALTH PROFESSIONAL CORPORATION. (Became law upon approval of the Governor, August 24, 2007 – S.L. 2007-451.)

H.B. 22, AN ACT TO INCREASE THE STATE TORT CLAIM LIMIT. (Became law upon approval of the Governor, August 27, 2007 – S.L. 2007-452.)

H.B. 966, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH A PILOT PROGRAM AUTHORIZING THE IMPLEMENTATION OF ALTERNATIVE TEACHER SALARY PLANS. (Became law upon approval of the Governor, August 27, 2007 – S.L. 2007-453.)

H.B. 1649, AN ACT TO INCREASE THE NUMBER OF VOTING MEMBERS ON THE GOVERNOR'S CRIME COMMISSION FROM THIRTY-SIX TO THIRTY-EIGHT. (Became law upon approval of the Governor, August 28, 2007 – S.L. 2007-454.)

H.B. 976, AN ACT TO CLARIFY THE DEFINITION OF PUBLIC VEHICULAR AREA IN MOTOR VEHICLE LAW AND TO REQUIRE

ACCESS TO GATED COMMUNITIES FOR EMERGENCY SERVICE VEHICLES. (Became law upon approval of the Governor, August 28, 2007 – S.L. 2007-455.)

H.B. 862, AN ACT TO AMEND THE PLANT PROTECTION AND CONSERVATION ACT. (Became law upon approval of the Governor, August 28, 2007 – S.L. 2007-456.)

H.B. 851, AN ACT TO CLARIFY THE EDUCATIONAL REQUIREMENT FOR THE TEACHER ASSISTANT SCHOLARSHIP FUND. (Became law upon approval of the Governor, August 28, 2007 – S.L. 2007-457.)

H.B. 1148, AN ACT TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO RELEASE THE IDENTIFICATION OF CERTAIN JUVENILES WHO ESCAPE FROM CUSTODY. (Became law upon approval of the Governor, August 28, 2007 – S.L. 2007-458.)

H.B. 1294, AN ACT TO PROHIBIT SMOKING INSIDE LONG-TERM CARE FACILITIES. (Became law upon approval of the Governor, August 28, 2007 – S.L. 2007-459.)

H.B. 825, AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A FEDERALLY REQUIRED MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILIES THAT HAVE NEVER RECEIVED TANF. (Became law upon approval of the Governor, August 28, 2007 – S.L. 2007-460.)

H.B. 1259, AN ACT TO REMOVE THE SUNSET ON THE PASS-THROUGH ENTITY ALLOCATION PROVISIONS OF THE HISTORIC REHABILITATION TAX CREDIT. (Became law upon approval of the Governor, August 28, 2007 – S.L. 2007-461.)

H.B. 1328, AN ACT REQUIRING A PERSON CONVICTED OF A SEX OFFENSE WHO IS PURSUING CHILD CUSTODY EX PARTE TO DISCLOSE THE CONVICTION IN THE PLEADINGS. (Became law upon approval of the Governor, August 28, 2007 – S.L. 2007-462.)

H.B. 1094, AN ACT TO MODIFY THE PUNISHMENTS FOR UNLAWFUL OPERATION OF AN AUDIOVISUAL RECORDING DEVICE. (Became law upon approval of the Governor, August 28, 2007 – S.L. 2007-463.)

H.B. 1471, AN ACT TO ALLOW EXISTING CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO ALLOW AN EXISTING CHARTER SCHOOL TO PARTICIPATE IN THE

TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN. (Became law upon approval of the Governor, August 28, 2007 – S.L. 2007-464.)

H.B. 1912, AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE FUNDS FOR LOCAL SCHOOL ADMINISTRATIVE UNITS TO RETROFIT SCHOOL BUSES IN ORDER TO REDUCE DIESEL EMISSIONS FROM CERTAIN DIESEL SCHOOL BUSES REGISTERED IN COUNTIES LOCATED IN AREAS DESIGNATED AS NONATTAINMENT OR MAINTENANCE FOR OZONE OR PARTICULATE MATTER. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-465.)

H.B. 1739, AN ACT TO ALLOW STUDENTS PLACED ON SHORT-TERM SUSPENSIONS TO TAKE THEIR TEXTBOOKS HOME FOR THE DURATION OF THE SHORT-TERM SUSPENSION AND TO HAVE ACCESS TO HOMEWORK ASSIGNMENTS AND TO ENSURE THAT PARENTS RECEIVE ACTUAL NOTICE OF A STUDENT'S EXPULSION OR SUSPENSION FROM SCHOOL. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-466.)

H.B. 1529, AN ACT TO ESTABLISH THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES' HEALTH BENEFITS. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-467.)

H.B. 1488, AN ACT AMENDING THE PSYCHOLOGY PRACTICE ACT TO CLARIFY REQUIREMENTS FOR PERMANENT LICENSURE. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-468.)

H.B. 38, AN ACT TO PROVIDE FOR A PUBLIC ALERT TO BE ISSUED WHEN A PERSON WITH DEMENTIA OR OTHER COGNITIVE IMPAIRMENT IS REPORTED MISSING, TO INCLUDE CAREGIVERS AMONG THOSE WHO CAN REPORT AN INDIVIDUAL MISSING, TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE PROVISIONS CONCERNING THE NORTH CAROLINA CENTER FOR MISSING PERSONS, AND TO EXEMPT EMS WORKERS LOCATING MISSING PERSONS FROM THE PRIVATE PROTECTIVE SERVICES ACT. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-469.)

H.B. 1652, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE AN E-911 TELECOMMUNICATOR SPECIAL REGISTRATION PLATE. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-470.)

H.B. 1688, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CREATE A LIMITED REGISTRATION PLATE, TO

EXEMPT MOTOR VEHICLES REGISTERED UNDER THE INTERNATIONAL REGISTRATION PLAN FROM THE COMBINED REGISTRATION AND PROPERTY TAX SYSTEM, TO PROVIDE THAT INTEREST GENERATED BY FUNDS IN THE COMBINED MOTOR VEHICLE AND REGISTRATION ACCOUNT BE CREDITED TO THE ACCOUNT, TO AUTHORIZE THE OFFICE OF STATE BUDGET AND MANAGEMENT TO DIRECT THE TREASURER TO DISTRIBUTE THE FUNDS IN THE ACCOUNT TO IMPLEMENT THE INTEGRATED COMPUTER SYSTEM, TO DISTRIBUTE ANY REMAINING FUNDS IN THE ACCOUNT TO THE LOCAL GOVERNMENTS, AND TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-471.)

H.B. 1650, AN ACT TO INCREASE MEMBERSHIP ON THE ACUPUNCTURE LICENSING BOARD FROM SIX TO NINE. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-472.)

H.B. 1685, AN ACT TO AMEND THE CERTIFICATE OF NEED REQUIREMENTS TO ALLOW FOR AN EXPEDITED REVIEW PROCESS FOR AN ADULT CARE HOME OR A NURSING HOME TO RELOCATE WITHIN THE SAME COUNTY. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-473.)

H.B. 1707, AN ACT TO ALLOW DETENTION OFFICERS EMPLOYED BY THE SHERIFF TO CARRY FIREARMS AT THE COUNTY COURTHOUSE. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-474.)

H.B. 1718, AN ACT AUTHORIZING CERTAIN CITIES TO ENACT FAIR HOUSING ORDINANCES. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-475.)

H.B. 177, AN ACT AUTHORIZING COMMUNITY COLLEGE BOARDS TO SECURE LOANS UNDER THE ENERGY IMPROVEMENT LOAN PROGRAM. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-476.)

H.B. 63, AN ACT TO EXCLUDE FROM PROPERTY TAX REAL AND PERSONAL PROPERTY THAT IS SUBJECT TO A CAPITAL LEASE WITH A LOCAL SCHOOL ADMINISTRATIVE UNIT. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-477.)

H.B. 1308, AN ACT TO PROVIDE FOR LIFETIME CERTIFICATION FOR TEACHERS AFTER FIFTY YEARS OF TEACHING. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-478.)

H.B. 1322, AN ACT PROVIDING LOCAL FIRE CHIEFS, COUNTY FIRE MARSHALS, AND LOCAL EMERGENCY SERVICES DIRECTORS WITH THE AUTHORITY TO REQUEST CRIMINAL HISTORIES FROM THE DEPARTMENT OF JUSTICE FOR APPLICANTS TO FIRE DEPARTMENTS AND EMERGENCY MEDICAL SERVICES IN UNITS OF LOCAL GOVERNMENT. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-479.)

H.B. 1738, AN ACT TO ESTABLISH THE ADVISORY COMMISSION ON HOSPITAL INFECTION CONTROL AND DISCLOSURE. (Became law upon approval of the Governor, August 29, 2007 – S.L. 2007-480.)

S.B. 1147, AN ACT TO REQUIRE A COPY OF THE REGISTRATION CARD ISSUED FOR A DEALER REGISTRATION PLATE BE IN THE VEHICLE, TO MODIFY RETENTION AND INSPECTION PROCEDURES FOR DEALER RECORDS, TO CLARIFY WHEN A VEHICLE MUST BE INSPECTED, AND TO CLARIFY MOTOR VEHICLE REGISTRATION REQUIREMENTS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-481.)

S.B. 1313, AN ACT TO REQUIRE THE CONSENT OF THE COUNCIL OF STATE IN ORDER FOR ANY ZONING ORDINANCE TO APPLY TO STATE-OWNED BUILDINGS WITHIN SIX BLOCKS OF THE STATE CAPITOL. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-482.)

S.B. 103, AN ACT TO ELIMINATE THE REQUIREMENT OF THREE HUNDRED APPLICATIONS BEFORE THE DIVISION OF MOTOR VEHICLES IS AUTHORIZED TO PRODUCE THE GOLD STAR SPECIAL PLATE AND TO ELIMINATE THE ADDITIONAL FEE FOR THE GOLD STAR SPECIAL PLATE; TO CHANGE THE RECIPIENT OF FUNDS FROM THE OMEGA PSI PHI SPECIAL PLATE FROM THE UNITED NEGRO COLLEGE FUND, INC., TO THE CAROLINA UPLIFT FOUNDATION, INC., TO BE USED FOR YOUTH ACTIVITY AND SCHOLARSHIP PROGRAMS; TO ELIMINATE THE ADDITIONAL FEE AMOUNT FOR THE BREAST CANCER AWARENESS PLATE; TO INCREASE THE ADDITIONAL FEE FOR THE NC COASTAL FEDERATION PLATE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE THE FOLLOWING NEW SPECIAL REGISTRATION PLATES: PROSTATE CANCER AWARENESS, JUVENILE DIABETES RESEARCH, BREAST CANCER EARLIER DETECTION, BRAIN INJURY AWARENESS, NC TENNIS FOUNDATION, ALS RESEARCH, NATIONAL KIDNEY FOUNDATION, AIDS AWARENESS, HOME CARE AND HOSPICE, AND HOSPICE CARE; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ASSIGN A SPECIAL REGISTRATION PLATE FOR THE PRESIDENT

OF THE NORTH CAROLINA COMMUNITY COLLEGES SYSTEM; AND TO MAKE TECHNICAL CORRECTIONS IN THE STATUTE CONCERNING ASSIGNMENTS OF SPECIAL REGISTRATION PLATES TO STATE GOVERNMENT OFFICIALS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-483.)

S.B. 613, AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE VARIOUS OTHER TECHNICAL CHANGES TO THE GENERAL STATUTES AND SESSION LAWS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-484.)

S.B. 646, AN ACT TO PROVIDE PROPERTY TAX RELIEF FOR WORKING WATERFRONT PROPERTY, TO ESTABLISH THE ADVISORY COMMITTEE FOR THE COORDINATION OF WATERFRONT ACCESS, TO MAKE EXPANDED PUBLIC ACCESS TO COASTAL WATERS A PRIORITY IN PLANNING STATE ROAD PROJECTS, TO INCREASE FEES FOR VESSEL TITLING, TO WAIVE PERMIT FEES FOR EMERGENCY COASTAL AREA MANAGEMENT ACT PERMITS, AND TO DIRECT A STUDY OF CONSTRUCTION AND REPAIR IN REGULATED FLOOD ZONES, AS RECOMMENDED BY THE WATERFRONT ACCESS STUDY COMMITTEE. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-485.)

H.B. 291, AN ACT PROVIDING FOR HOW THE STATE TREASURER SHALL ADDRESS CERTAIN STATE INVESTMENTS RELATING TO SUDAN. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-486.)

S.B. 684, AN ACT TO PROVIDE FOR FUNDING FOR THE STATEWIDE SPAY AND NEUTER PROGRAM FROM THE SALE OF RABIES VACCINATION TAGS AND TO REQUIRE REPORTING ON THE PROGRAM. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-487.)

S.B. 1457, AN ACT TO REQUIRE BONDS FOR CONTRACTS ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMISSION CONTRACTORS WHO OPERATE LICENSE PLATE AGENCIES, TO ADD CHARLOTTE TO THE DIVISION OF MOTOR VEHICLES OPERATED REGISTRATION OFFICES, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO HAVE AT LEAST TWO AUTHORIZED ONLINE MOTOR VEHICLE REGISTRATION VENDORS APPROVED FOR CONTRACTING AT ALL TIMES, AND TO AUTHORIZE COMMISSION CONTRACT AGENTS TO CONTRACT WITH ONLINE DEALER REGISTRATION VENDORS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-488.)

H.B. 726, AN ACT ALLOWING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO PROVIDE FOR THE LICENSURE OF LASER HAIR PRACTITIONERS AND LASER HAIR PRACTITIONER INSTRUCTORS UPON MEETING CERTAIN REQUIREMENTS ESTABLISHED BY THE BOARD AND AUTHORIZING THE BOARD TO CHARGE FEES RELATED TO THOSE CERTIFICATIONS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-489.)

H.B. 1786, AN ACT TO DEFINE AND REGULATE MIXED MARTIAL ARTS, AND TO AUTHORIZE THE ALCOHOL LAW ENFORCEMENT DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO ESTABLISH AND RAISE CERTAIN FEES. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-490.)

S.B. 242, AN ACT TO REFORM THE PROCESS FOR ADMINISTRATIVE AND JUDICIAL REVIEW OF DISPUTED TAX MATTERS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-491.)

H.B. 769, AN ACT TO ENSURE COMPLIANCE WITH MOTOR CARRIER AND COMMERCIAL DRIVERS LICENSE PROVISIONS OF CHAPTER 20 OF THE GENERAL STATUTES AND TO AUTHORIZE THE COMMISSIONER OF MOTOR VEHICLES TO ENTER INTO THE UNIFIED MOTOR CARRIER REGISTRATION AGREEMENT. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-492.)

S.B. 999, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MOTOR VEHICLE LAWS PERTAINING TO IMPAIRED DRIVING OFFENSES AND TO PROVIDE THAT THE COURT MAY ORDER SECURE CUSTODY OF A JUVENILE WHEN THE JUVENILE IS CHARGED WITH A VIOLATION OF EITHER DRIVING WHILE IMPAIRED OR UNDERAGE DRINKING AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE DISPOSITIONAL ALTERNATIVES FOR JUVENILES WHO ARE ADJUDICATED DELINQUENT FOR A DRIVING WHILE IMPAIRED OR AN UNDERAGE DRINKING VIOLATION. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-493.)

S.B. 229, AN ACT TO DETERMINE THE RESIDENCY STATUS OF PERSONS JAILED ON FELONY OR DRIVING WHILE IMPAIRED CHARGES. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-494.)

S.B. 844, AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO PROVIDE THAT: (1) AN APPLICATION FOR A CONSTRUCTION PERMIT FOR A PRIVATE DRINKING WATER WELL THAT IS TO BE LOCATED ON A SITE ON

WHICH A WASTEWATER SYSTEM IS LOCATED MAY BE ACCOMPANIED BY A SITE PLAN RATHER THAN A PLAT; (2) PROOF OF COMPLETION OF ANY REQUIRED PROFESSIONAL DEVELOPMENT IS REQUIRED FOR RENEWAL OF A WELL CONTRACTOR CERTIFICATE; (3) THE TRANSPLANT OF SEED CLAMS AND SEED OYSTERS OF A CERTAIN SIZE THAT ORIGINATE FROM AN AQUACULTURE OPERATION PERMITTED BY THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES IS LAWFUL; (4) MEMBERS OF THE ADVISORY COMMISSION FOR THE NORTH CAROLINA STATE MUSEUM OF NATURAL SCIENCES SHALL SERVE FOUR-YEAR STAGGERED TERMS; (5) TO EXTEND THE EXEMPTION FOR CERTAIN WELL CONTRACTORS FROM CONTINUING EDUCATION REQUIREMENTS FOR TWO YEARS; (6) DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION; (7) TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; AND (8) TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-495.)

H.B. 779, AN ACT TO INCREASE THE CONTRIBUTORY DEATH BENEFIT PAYABLE ON BEHALF OF RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-496.)

H.B. 1499, AN ACT TO INCREASE THE BENEFIT OF THE PROPERTY TAX HOMESTEAD EXCLUSION BY RAISING BOTH THE INCOME ELIGIBILITY LIMIT AND THE AMOUNT EXCLUDED FROM TAXATION; TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER AND HOW TO INDEX THE MINIMUM AMOUNT THAT IS EXCLUDED FROM TAX; TO CREATE A SENIOR CIRCUIT BREAKER PROPERTY TAX BENEFIT; TO MODIFY THE PRESENT-USE VALUE REQUIREMENTS FOR AGRICULTURAL LAND USED AS AN AQUATIC SPECIES FARM; AND TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY VARIOUS MODIFICATIONS AND EXPANSIONS TO THE PRESENT-USE VALUE SYSTEM. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-497.)

H.B. 349, AN ACT TO REPEAL THE LAW ALLOWING THE STATE BOARD OF EDUCATION TO REMOVE LOCAL SCHOOL BOARD

MEMBERS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-498.)

H.B. 514, AN ACT TO ALLOW PASSENGER BUSES THAT HAVE AN OVERALL LENGTH OF FORTY-FIVE FEET TO OPERATE ON PUBLIC STREETS AND HIGHWAYS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-499.)

H.B. 487, AN ACT TO EXEMPT BALER TWINE FROM THE SALES AND USE TAX. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-500.)

H.B. 488, AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO PROVIDE FOR AN ADMINISTRATIVE INITIAL SCREENING OF REASSIGNMENT APPEALS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-501.)

H.B. 634, AN ACT TO CLARIFY THE RIGHT TO MAKE ADVANCE DIRECTIVES AND TO DESIGNATE HEALTH CARE AGENTS; AND TO IMPROVE AND SIMPLIFY THE MEANS OF MAKING THESE DIRECTIVES AND DESIGNATIONS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-502.)

H.B. 679, AN ACT TO CHANGE ARTICLE 3A OF CHAPTER 20, SAFETY AND EMISSIONS INSPECTION PROGRAMS, TO ALLOW FOR ELECTRONIC INSPECTION PROCESSES AND AUTHORIZATION. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-503.)

H.B. 627, AN ACT TO MAKE CHANGES TO AND STRENGTHEN THE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES SYSTEM WITH RESPECT TO: THE FIRST COMMITMENT PILOT PROGRAM; LME FUNCTIONS, ADMINISTRATION, AND BOARD MEMBERSHIP; THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES RULE-MAKING AUTHORITY AND PROFESSIONAL STAFFING; THE QUALITY AND ACCESS OF MENTAL HEALTH SERVICES; AND REQUIREMENTS PERTAINING TO LME BUSINESS PLANS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-504.)

S.B. 1364, AN ACT TO REQUIRE SECONDARY PURCHASERS OF MOTOR VEHICLES FOR SCRAP METAL OR SALVAGE PARTS TO MAINTAIN RECORDS, AND TO AMEND THE JUNKED MOTOR VEHICLE LAW APPLICABLE TO THE CITY OF MONROE. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-505.)

S.B. 1485, AN ACT AMENDING EDUCATION REQUIREMENTS FOR REAL ESTATE APPRAISERS UNDER THE NORTH CAROLINA APPRAISERS ACT, ELIMINATING THE CATEGORY OF LICENSED RESIDENTIAL REAL ESTATE APPRAISER, AND AUTHORIZING THE NORTH CAROLINA APPRAISAL BOARD TO ESTABLISH AND INCREASE CERTAIN FEES. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-506.)

S.B. 1527, AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS RELATING TO LICENSING OF INSURANCE PRODUCERS AND BAIL BONDSMEN; TO MAKE CHANGES IN THE FEE STRUCTURES FOR AGENTS AND ADJUSTERS; TO AUTHORIZE THE OUTSOURCING OF CERTAIN FUNCTIONS RELATING TO THE ADMINISTRATION OF CONTINUING EDUCATION AND ADMINISTRATIVE PROGRAMS; TO REQUIRE THE DEPARTMENT OF INSURANCE TO STUDY ISSUES RELATED TO LIFE INSURANCE BENEFICIARY NOTIFICATION; TO EXEMPT INSURERS FROM AUTOMATIC RENEWAL DISCLOSURE CLAUSE REQUIREMENTS; TO INSTITUTE A METHOD OF STREAMLINING CERTAIN APPEALS OF DISPUTES BETWEEN LOCAL INSPECTORS AND PERSONS SUBJECT TO THE STATE BUILDING CODE AND TO REQUIRE THE DEPARTMENT OF INSURANCE TO ISSUE ITS DECISION ON THESE LIMITED APPEALS WITHIN TEN BUSINESS DAYS; AND TO MAKE OTHER SUBSTANTIVE CHANGES. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-507.)

S.B. 1546, AN ACT TO CLARIFY THE PUBLIC'S ACCESS TO PUBLIC EMPLOYEE PERSONNEL RECORDS AND TO MAKE CHANGES TO THE LAW PERTAINING TO CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-508.)

S.B. 301, AN ACT TO PROVIDE THAT RECORDS OF A CIVIL REVOCATION OF DRIVERS LICENSES SHALL BE EXPUNGED FROM AN INDIVIDUAL'S DRIVING RECORD IF THE UNDERLYING CRIMINAL CHARGE IS EXPUNGED PURSUANT TO ARTICLE 5 OF CHAPTER 15A OF THE GENERAL STATUTES. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-509.)

H.B. 1828, AN ACT TO STRENGTHEN THE MATCHING FUNDS PROVISION OF THE JUDICIAL PUBLIC CAMPAIGN ACT; AND TO APPROPRIATE FUNDS FOR IMPLEMENTATION. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-510.)

S.B. 854, AN ACT AMENDING THE PRIVATE PROTECTIVE SERVICES ACT AND AMENDING THE FIREARMS LAWS AFFECTING ARMED

SECURITY GUARDS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-511.)

H.B. 943, AN ACT TO REQUIRE THE STATE REGISTRAR TO ASSIST COUNTY JURY COMMISSIONS IN UPDATING THEIR LISTS OF PROSPECTIVE JURORS BY PROVIDING A LIST OF RESIDENTS OF EACH COUNTY WHO HAVE DIED RECENTLY; TO REQUIRE THE STATE REGISTRAR TO PROVIDE THE COMMISSIONER OF MOTOR VEHICLES WITH A LIST OF RESIDENTS OF THE STATE WHO HAVE DIED RECENTLY; AND TO EXCLUDE FROM THE LISTS PROVIDED BY THE COMMISSIONER OF MOTOR VEHICLES TO COUNTY JURY COMMISSIONS THE NAMES OF PERSONS WHOSE DRIVERS LICENSES HAVE BEEN EXPIRED FOR AT LEAST EIGHT YEARS AND WHO HAVE BEEN INACTIVE VOTERS FOR AT LEAST EIGHT YEARS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-512.)

S.B. 1351, AN ACT TO CLARIFY MOTOR VEHICLE FRANCHISE LAWS AS THEY RELATE TO AUTOMOBILE DEALER WARRANTY OBLIGATIONS, CIVIL ACTIONS FOR VIOLATIONS, COERCION, AND INSTALLMENT SALES; AND TO REQUIRE THAT FAIR COMPENSATION BE PAID TO FRANCHISED MOTOR VEHICLE DEALERS TERMINATED AS A RESULT OF INDUSTRY REORGANIZATION. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-513.)

H.B. 316, AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE TO ESTABLISH AN OBLIGATION TO PROVIDE NOTICE TO ALL PARTIES TO AN ACTION OF RECEIPT OF MATERIAL PRODUCED IN COMPLIANCE WITH A SUBPOENA, AND TO PROVIDE A REASONABLE OPPORTUNITY TO INSPECT SUCH MATERIAL. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-514.)

H.B. 1595, AN ACT TO CLARIFY PROVISIONS IN THE LOCAL DEVELOPMENT ACT, TO CLARIFY URBAN PROGRESS ZONES AND AGRARIAN GROWTH ZONES, TO ALLOW MORE THAN ONE AGRARIAN GROWTH ZONE IN A COUNTY, TO CLARIFY WHEN THE LAST REPORT IS DUE FOR THE REPEALED LEE ACT CREDITS, TO MAKE TECHNICAL CHANGES CONCERNING THE TAX CREDITS FOR GROWING BUSINESSES; TO PROVIDE FOR PUBLICATION, MONITORING, AND REPORTING ON ECONOMIC DEVELOPMENT INCENTIVE CLAWBACKS; AND TO REQUIRE CLAWBACK PROVISIONS IN LOCAL ECONOMIC DEVELOPMENT AGREEMENTS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-515.)

H.B. 1659, AN ACT AUTHORIZING CRIMINAL HISTORY RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT

WITH THE DEPARTMENT OF PUBLIC INSTRUCTION. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-516.)

H.B. 536, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT NEW STANDARDS FOR SCHOOL ADMINISTRATOR PREPARATION PROGRAMS. (Became law upon approval of the Governor, August 30, 2007 – S.L. 2007-517.)

H.B. 820, AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN AND THE ALLOCATION OF SURFACE WATER RESOURCES AND TO AMEND THE LAWS GOVERNING THE TRANSFER OF WATER FROM ONE RIVER BASIN TO ANOTHER RIVER BASIN. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-518.)

H.B. 705, AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO ENTER INTO LEASE PURCHASE OR INSTALLMENT PURCHASE CONTRACTS FOR FOOD SERVICE EQUIPMENT. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-519.)

H.B. 1551, AN ACT TO ENACT THE STATE GOVERNMENTAL ACCOUNTABILITY AND INTERNAL CONTROL ACT; TO ESTABLISH INTERNAL CONTROL STANDARDS FOR STATE GOVERNMENT; AND TO INCREASE FISCAL ACCOUNTABILITY WITHIN STATE GOVERNMENT. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-520.)

H.B. 1593, AN ACT TO DIRECT THE EXECUTIVE ADMINISTRATOR OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PREPARE TO CHANGE THE STATE HEALTH PLAN FROM A FISCAL YEAR TO A CALENDAR YEAR. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-521.)

H.B. 206, AN ACT TO DISTINGUISH BETWEEN SPECIAL PLATES ISSUED TO BRONZE STAR RECIPIENTS FOR MERITORIOUS SERVICE OR FOR VALOR IN COMBAT. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-522.)

S.B. 1465, AN ACT TO (1) CODIFY AND MAKE PERMANENT THE SWINE FARM ANIMAL WASTE MANAGEMENT SYSTEM PERFORMANCE STANDARDS THAT THE GENERAL ASSEMBLY ENACTED IN 1998, (2) PROVIDE FOR THE REPLACEMENT OF A LAGOON THAT IS AN IMMINENT HAZARD, (3) ASSIST FARMERS TO VOLUNTARILY CONVERT TO INNOVATIVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND (4) ESTABLISH THE SWINE FARM

METHANE CAPTURE PILOT PROGRAM. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-523.)

S.B. 1272, AN ACT TO EXEMPT BIODIESEL THAT IS PRODUCED BY AN INDIVIDUAL FOR PERSONAL USE IN A PRIVATE PASSENGER VEHICLE FROM THE MOTOR FUEL EXCISE TAX. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-524.)

S.B. 864, AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, TO EXPAND THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS; TO AMEND THE PERFUSSIONIST LICENSURE ACT, AND TO MAKE CHANGES TO THE APPOINTING PROCESS FOR THE NORTH CAROLINA STATE BOARD OF OPTICIANS. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-525.)

S.B. 831, AN ACT STREAMLINING LOCAL GOVERNMENT REGULATION OF WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES AND THE COLLOCATION OF WIRELESS FACILITIES. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-526.)

S.B. 540, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS, MOTOR FUELS TAX LAWS, AND RELATED STATUTES. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-527.)

S.B. 692, AN ACT TO ESTABLISH THE BOXING ADVISORY COMMISSION. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-528.)

S.B. 490, AN ACT TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO REGULATION UNDER THE BUILDING CODE. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-529.)

S.B. 1362, AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO CLARIFY THE DEFINITION OF DRY-CLEANING SOLVENT, TO AUTHORIZE THE USE OF FUNDS FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR THE INVESTIGATION OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES REASONABLY BELIEVED TO BE CONTAMINATED BY DRY-CLEANING SOLVENT, TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY A PRIVATE CONTRACTOR RETAINED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, TO MODIFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO

POTENTIALLY RESPONSIBLE PARTIES, TO AUTHORIZE TEMPORARY RULE MAKING, AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-530.)

S.B. 1435, AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF FUNERAL SERVICE, MUTUAL BURIAL ASSOCIATIONS, PRENEED FUNERAL FUNDS, AND CREMATIONS. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-531.)

H.B. 265, AN ACT TO ESTABLISH THE NORTH CAROLINA HEALTH INSURANCE RISK POOL. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-532.)

H.B. 433, AN ACT TO ADOPT THE LEXINGTON BARBECUE FESTIVAL AS THE OFFICIAL FOOD FESTIVAL OF THE NORTH CAROLINA PIEDMONT TRIAD. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-533.)

H.B. 454, AN ACT TO PROTECT THE IDENTITY OF INDIVIDUALS BY AUTHORIZING THE TAKING OF A PHOTOGRAPH OF A PERSON WHO IS CITED FOR A MOTOR VEHICLE MOVING VIOLATION, WHO DOES NOT PRODUCE A VALID DRIVERS LICENSE UPON THE REQUEST OF A LAW ENFORCEMENT OFFICER, AND WHERE THE LAW ENFORCEMENT OFFICER HAS A REASONABLE SUSPICION REGARDING THE TRUE IDENTITY OF THE PERSON, AND TO PROVIDE A CAUSE OF ACTION FOR A PERSON WHOSE IDENTIFYING INFORMATION IS PUBLISHED OVER OBJECTION. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-534.)

H.B. 773, AN ACT TO PROTECT MEMBERS OF THE UNITED STATES ARMED FORCES FROM DISHONEST AND PREDATORY LIFE INSURANCE AND ANNUITY SALES PRACTICES. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-535.)

H.B. 810, AN ACT TO: (1) CLARIFY THE TRAINING AND QUALIFICATION REQUIREMENTS APPLICABLE TO ANIMAL WASTE MANAGEMENT TECHNICAL SPECIALISTS IN THE PROVISION OF SERVICES RELATED TO THE DEVELOPMENT, IMPLEMENTATION, OR OPERATION OF AN ANIMAL WASTE MANAGEMENT PLAN OR ANIMAL WASTE MANAGEMENT SYSTEM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION; (2) EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS; AND (3) CLARIFY THE APPLICABILITY OF THE WATER QUALITY ENFORCEMENT PROVISIONS IN ARTICLE 21

OF CHAPTER 143 OF THE GENERAL STATUTES. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-536.)

H.B. 1277, AN ACT TO PROVIDE FOR THE REVOCATION OF THE DRIVERS LICENSE OF ANY PERSON CONVICTED OF GIVING ALCOHOLIC BEVERAGES TO, OR AIDING AND ABETTING THE PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES BY, AN UNDERAGE PERSON AND TO ALLOW FOR A LIMITED DRIVING PRIVILEGE. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-537.)

H.B. 1372, AN ACT TO ENACT THE REVISED UNIFORM ANATOMICAL GIFT ACT; TO PROVIDE THAT THE DECISION TO HAVE THE HEART SYMBOL ON ONE'S DRIVERS LICENSE IS LEGALLY SUFFICIENT CONSENT TO ORGAN DONATION UNLESS REVOKED BY THE DONOR; TO IMPROVE DONOR OR PROSPECTIVE DONOR ONLINE ACCESS TO INDICATE OR REVOKE ORGAN AND TISSUE DONATION; AND TO MAKE CONFORMING CHANGES TO OTHER AFFECTED GENERAL STATUTES. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-538.)

H.B. 1500, AN ACT TO PROVIDE THE DEFENDANT ACCESS TO DNA TESTING OF EVIDENCE WHEN CURRENT TESTING PROCEDURES ARE MORE ACCURATE THAN PAST TESTING PROCEDURES, TO AMEND THE LAW GOVERNING THE PRESERVATION AND DISPOSITION OF POSSIBLE DNA EVIDENCE AND POSTCONVICTION DNA TESTING, AND TO PROVIDE A RIGHT OF APPEAL TO A DEFENDANT FOR DENIAL OF A MOTION TO CONDUCT DNA TESTING. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-539.)

H.B. 1517, AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; AND TO APPROPRIATE FUNDS TO FINANCE THE PROGRAM. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-540.)

H.B. 1671, AN ACT TO PROVIDE FOR THE ARBITRATION OF CLAIMS FOR PERSONAL INJURY OR WRONGFUL DEATH BASED ON ALLEGED NEGLIGENCE IN THE PROVISION OF HEALTH CARE, UPON THE AGREEMENT OF ALL PARTIES. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-541.)

H.B. 1702, AN ACT TO CONSERVE ENERGY AND TO REQUIRE A STUDY OF THE DEGREE OF INSULATION FOR HOT WATERLINES THAT SHOULD BE REQUIRED. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-542.)

S.B. 6, AN ACT TO (1) CLARIFY THE APPLICATION OF CERTAIN SETBACK REQUIREMENTS FOR DISPOSAL UNITS OF SANITARY LANDFILLS; (2) REVISE THE DISTRIBUTION OF THE PROCEEDS OF THE SOLID WASTE DISPOSAL TAX; AND (3) PROVIDE REIMBURSEMENT OF CERTAIN COSTS INCURRED IN CONNECTION WITH APPLICATIONS FOR PERMITS FOR SANITARY LANDFILLS. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-543.)

S.B. 56, AN ACT TO AMEND THE PENALTY REVIEW COMMITTEE PROCESS, EXPAND THE HEALTH CARE PERSONNEL REGISTRY AND AUTHORIZE THE MEDICAL CARE COMMISSION TO ADOPT RULES ALLOWING THE ISSUANCE OF RATED CERTIFICATES TO ADULT CARE HOMES. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-544.)

S.B. 514, AN ACT TO PROHIBIT BUSINESSES THAT SUPPLY PERISHABLE PRODUCTS FROM MISREPRESENTING THE GEOGRAPHICAL LOCATIONS OF THEIR BUSINESSES IN TELEPHONE DIRECTORIES, DIRECTORY ASSISTANCE DATABASES, ON THE INTERNET, AND IN PRINT ADVERTISEMENTS. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-545.)

S.B. 668, AN ACT TO PROMOTE THE CONSERVATION OF ENERGY AND WATER USE IN STATE, UNIVERSITY, AND COMMUNITY COLLEGE BUILDINGS. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-546.)

S.B. 1079, AN ACT PROVIDING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-547.)

S.B. 1466, AN ACT TO MAKE CHANGES RELATING TO HEALTH AND SAFETY TO THE MIGRANT HOUSING ACT OF NORTH CAROLINA AND TO DIRECT THE NORTH CAROLINA HOUSING FINANCE AGENCY TO STUDY THE DEVELOPMENT OF A LOW-INTEREST LOAN PROGRAM FOR AGRICULTURAL EMPLOYERS. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-548.)

S.B. 1468, AN ACT TO PROMOTE INNOVATIVE STORMWATER MANAGEMENT AND WATER QUALITY PROTECTION EFFORTS. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-549.)

S.B. 1492, AN ACT TO: (1) CLARIFY THE CIRCUMSTANCES UNDER WHICH AN APPLICATION FOR A SOLID WASTE MANAGEMENT PERMIT MAY BE DENIED; (2) PROVIDE THAT SOLID WASTE MANAGEMENT PERMITS ARE NOT TRANSFERABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (3) INCREASE THE PENALTIES THAT MAY BE IMPOSED FOR SOLID WASTE VIOLATIONS; (4) REQUIRE THAT AN APPLICANT FOR A PERMIT AND A PERMIT HOLDER ESTABLISH FINANCIAL RESPONSIBILITY TO ENSURE THE AVAILABILITY OF SUFFICIENT FUNDS FOR PROPER DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, CLOSURE, AND POST-CLOSURE MONITORING AND MAINTENANCE OF A SOLID WASTE MANAGEMENT FACILITY; (5) REQUIRE THAT AN OWNER OR OPERATOR OF A SANITARY LANDFILL ESTABLISH FINANCIAL ASSURANCE SUFFICIENT TO COVER A MINIMUM OF THREE MILLION DOLLARS IN COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT THE FACILITY, IN ADDITION TO OTHER FINANCIAL RESPONSIBILITY REQUIREMENTS; (6) CLARIFY AND EXPAND THE SCOPE OF ENVIRONMENTAL COMPLIANCE REVIEW REQUIREMENTS; (7) CLARIFY THAT A PARENT, SUBSIDIARY, OR OTHER AFFILIATE OF THE APPLICANT OR PARENT, INCLUDING ANY BUSINESS ENTITY OR JOINT VENTURER WITH A DIRECT OR INDIRECT INTEREST IN THE APPLICANT IS SUBJECT TO FINANCIAL RESPONSIBILITY AND ENVIRONMENTAL COMPLIANCE REVIEW; (8) PROVIDE FOR SITING OF COMBUSTION PRODUCTS LANDFILLS IN AREAS THAT HAVE BEEN FORMERLY USED FOR THE STORAGE OR DISPOSAL OF COMBUSTION PRODUCTS FROM COAL-FIRED GENERATING UNITS AT THE SAME FACILITY THAT GENERATED THE COMBUSTION PRODUCTS, AND TECHNICAL REQUIREMENTS FOR THESE LANDFILLS; (9) SPECIFY ADDITIONAL TECHNICAL REQUIREMENTS FOR SOLID WASTE MANAGEMENT FACILITIES; (10) REQUIRE THAT ALL APPLICANTS FOR PERMITS FOR SANITARY LANDFILLS CONDUCT AN ENVIRONMENTAL IMPACT STUDY; (11) REQUIRE THAT CERTAIN APPLICANTS FOR SOLID WASTE MANAGEMENT FACILITY PERMITS CONDUCT A TRAFFIC STUDY; (12) CLARIFY THE CIRCUMSTANCES UNDER WHICH A UNIT OF LOCAL GOVERNMENT MAY COLLECT A SOLID WASTE AVAILABILITY FEE; (13) AUTHORIZE UNITS OF LOCAL GOVERNMENT TO HIRE LANDFILL LIAISONS; (14) ESTABLISH FEES APPLICABLE TO PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES TO SUPPORT THE SOLID WASTE MANAGEMENT PROGRAM; (15) ESTABLISH A SOLID WASTE DISPOSAL TAX TO BE IMPOSED ON THE DISPOSAL OF MUNICIPAL SOLID WASTE IN LANDFILLS IN THE STATE AND ON THE TRANSFER OF MUNICIPAL SOLID WASTE FOR DISPOSAL OUTSIDE THE STATE IN ORDER TO PROVIDE FUNDS FOR THE ASSESSMENT AND REMEDIATION OF

PRE-1983 LANDFILLS AND FOR OTHER PURPOSES; (16) ESTABLISH A COMPUTER EQUIPMENT MANAGEMENT PROGRAM; (17) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DEVELOP A PROPOSED RECYCLING PROGRAM FOR FLUORESCENT LAMPS; (18) DIRECT THE ENVIRONMENT REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE FRANCHISE OF SOLID WASTE MANAGEMENT FACILITIES BY UNITS OF LOCAL GOVERNMENT AND THE TRANSPORTATION OF SOLID WASTE BY RAIL AND BARGE; AND (19) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-550.)

H.B. 1005, AN ACT TO REQUIRE THAT RECOMMENDATIONS ON DEBT CAPACITY INCLUDE RECOMMENDATIONS RELATED TO DEBT SUPPORTED BY THE GENERAL FUND, THE HIGHWAY FUND, AND THE HIGHWAY TRUST FUND; TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STIP PLANNING AND DEVELOPMENT PROCESS; TO DIRECT THE OFFICE OF STATE BUDGET AND MANAGEMENT TO STUDY LONG-TERM ECONOMIC, MOBILITY, AND INFRASTRUCTURE NEEDS; TO ENACT CERTAIN BRIDGE CONSTRUCTION GUIDELINES; AND TO REQUIRE COMPLIANCE WITH CERTAIN FEDERAL GUIDELINES FOR TRANSPORTATION PROJECTS. (Became law upon approval of the Governor, August 31, 2007 – S.L. 2007-551.)

APPENDIX

SENATE JOURNAL

FIRST SESSION

2007



**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**2007 SESSION**

Adopted March 15, 2007 (See page 309.)

S.R. 633, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:

SECTION 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Committee on Education/Higher Education (hereinafter referred to as the "Senate Committee") to choose nominees for each opening on the Board of Governors of The University of North Carolina to which the Senate is to elect members.

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the Board of Governors of The University of North Carolina from Monday, March 19, 2007, through Friday, March 23, 2007. In 2007, the total number of positions available for election by the Senate is eight, and each position is for a four-year term. A Senator may propose candidates for nomination only for the openings available for election by the Senate. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally nominated as a candidate by a member of the Senate. Only a written nomination on a form provided by the Senior Chair of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk on or after Monday, March 19, 2007, and no later than 5:00 P.M. on Friday, March 23, 2007, shall constitute a formal nomination of a candidate. Delivery to the Office of the Senate Principal Clerk of a nomination form by facsimile transmission or e-mail transmission shall not constitute a formal nomination of a candidate. An individual is not eligible for nomination in the Senate if he or she was nominated and not elected to the Board of Governors by the House of Representatives during the 2007 Session.

3. Every person who has been formally nominated shall file a completed North Carolina State Ethics Commission Statement of Economic Interest with the North Carolina State Ethics Commission to be received by the North Carolina State Ethics Commission no later than 5:00 P.M. on Friday, March 30, 2007.

4. On or after March 24, 2007, the Senate Committee shall list all proposed candidates for nomination. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening

process, the Senate Committee shall conduct a vote to ensure that the slate of legally qualified candidates lists no more than twice the number of candidates for the total seats open.

5. The Senior Chair of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsor.

6. Senate Committee nominees shall be placed before and recommended to the Senate for election.

II. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the Senior Chair of the Senate Committee for the use of the Senate.

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged alphabetically by surname.

3. The Senate shall hold its election no later than the beginning of the daily session on April 5, 2007. Before the voting begins, the Senior Chair of the Senate Committee shall explain the voting rules, which are:

- (a) No nomination shall be received from the floor.
- (b) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting.
- (c) Each member present and voting shall vote for as many nominees as there are positions to be filled, and any ballot not so marked shall be deemed void.
- (d) If fewer than eight nominees receive the votes of a majority of all members present and voting, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest numbers of votes cast; and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.
- (e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with the North Carolina Constitution, Article II, Section 13.
- (f) If more than eight nominees receive the votes of a majority of all members present and voting, then the eight nominees receiving the highest numbers of votes shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for eight persons, for four-year terms.

Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The Senior Chair of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by

the Principal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.

6. When the Senior Chair of the Senate Committee has determined that the Senate has chosen eight persons to serve as members of the Board of Governors for terms of four years, the President of the Senate shall declare those eight persons to have been elected to the Board of Governors by the Senate. The election of each of those eight persons is provisional subject to the North Carolina State Ethics Commission's evaluations of the North Carolina State Ethics Commission Statements of Economic Interest of those persons in accordance with Article 3 of Chapter 138A of the General Statutes.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the Senior Chair of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate and of the term for which each person was elected.

SECTION 2. As used in this resolution, the term "Senior Chair" means the Senior Chair of the Senate Education/Higher Education Committee.

SECTION 3. This resolution is effective upon adoption.

Adopted March 26, 2007 (See page 407.)

S.R. 1486, A SENATE RESOLUTION TO AMEND THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:

SECTION 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Committee on Education/Higher Education (hereinafter referred to as the "Senate Committee") to choose nominees for each opening on the Board of Governors of The University of North Carolina to which the Senate is to elect members.

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the Board of Governors of The University of North Carolina from Tuesday, March 27, 2007, through Thursday, March 29, 2007. In 2007, the total number of positions available for election by the Senate is eight, and each position is for a four-year term. A Senator may propose candidates for nomination only for the openings available for election by the Senate. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally nominated as a candidate by a member of the Senate. Only a written nomination on a form provided by the Senior Chair of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk on or after Tuesday,

March 27, 2007, and no later than 12:00 P.M. on Thursday, March 29, 2007, shall constitute a formal nomination of a candidate. Delivery to the Office of the Senate Principal Clerk of a nomination form by facsimile transmission or e-mail transmission shall not constitute a formal nomination of a candidate. An individual is not eligible for nomination in the Senate if he or she was nominated and not elected to the Board of Governors by the House of Representatives during the 2007 Session.

3. Every person who has been formally nominated shall file a completed North Carolina State Ethics Commission Statement of Economic Interest with the North Carolina State Ethics Commission to be received by the North Carolina State Ethics Commission no later than 5:00 P.M. on Friday, March 30, 2007.

4. On or after March 30, 2007, the Senate Committee shall list all proposed candidates for nomination. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally qualified candidates lists no more than twice the number of candidates for the total seats open.

5. The Senior Chair of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsor.

6. Senate Committee nominees shall be placed before and recommended to the Senate for election.

II. ELECTIONS IN THE SENATE.

1. A ballot shall be prepared under the supervision of the Senior Chair of the Senate Committee for the use of the Senate.

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged alphabetically by surname.

3. The Senate shall hold its election no later than the beginning of the daily session on April 5, 2007. Before the voting begins, the Senior Chair of the Senate Committee shall explain the voting rules, which are:

- (a) No nomination shall be received from the floor.
- (b) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting.
- (c) Each member present and voting shall vote for as many nominees as there are positions to be filled, and any ballot not so marked shall be deemed void.
- (d) If fewer than eight nominees receive the votes of a majority of all members present and voting, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest numbers of votes cast; and the number of nominees

eligible to be voted on in the runoff shall be twice the number of positions to be filled.

- (e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with the North Carolina Constitution, Article II, Section 13.
- (f) If more than eight nominees receive the votes of a majority of all members present and voting, then the eight nominees receiving the highest numbers of votes shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for eight persons, for four-year terms.

Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The Senior Chair of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by the Principal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.

6. When the Senior Chair of the Senate Committee has determined that the Senate has chosen eight persons to serve as members of the Board of Governors for terms of four years, the President of the Senate shall declare those eight persons to have been elected to the Board of Governors by the Senate. The election of each of those eight persons is provisional subject to the North Carolina State Ethics Commission's evaluations of the North Carolina State Ethics Commission Statements of Economic Interest of those persons in accordance with Article 3 of Chapter 138A of the General Statutes.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

III. NOTIFICATION OF ELECTION RESULTS.

When the election process is complete, the Senior Chair of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate and of the term for which each person was elected.

SECTION 2. As used in this resolution, the term "Senior Chair" means the Senior Chair of the Senate Education/Higher Education Committee.

SECTION 3. This resolution is effective upon adoption.

Adopted August 1, 2007 (See page 1472.)

S.R. 1570, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF MARK FOSTER MADE BY THE GOVERNOR TO THE BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

Whereas, the provisions of G.S. 135-6 require that appointees to the Board of Trustees of the Teachers' and State Employees' Retirement System be confirmed by the Senate of North Carolina; and

Whereas, the Governor has submitted to the presiding officer of the Senate the name of his appointee; Now, therefore,
Be it resolved by the Senate:

SECTION 1. The appointment of Mark Foster to the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System for a term to expire March 31, 2011, is confirmed.

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 during the 2007 Legislative Session. The full text of Executive Orders 105 through 123 issued by Governor Michael F. Easley can be found in the Session Laws of the 2007 General Assembly.

Executive Order	Title	Date of Issuance
105	To Facilitate Government Employee Access	August 18, 2006
106	Historically Underutilized Businesses	August 28, 2006
107	Proclamation of a State of Emergency Due to Tropical Storm Ernesto	August 31, 2006
108	To Declare by Proclamation the True Boundary Line between the State of North Carolina and the State of South Carolina along The Counties of Jackson and Transylvania	September 25, 2006
109	Proclamation of State of Disaster for Jones County and Duplin County	October 10, 2006
110	Extending Executive Order No. 109 Proclamation of State of Disaster for Jones County and Duplin County	November 9, 2006
111	Proclamation of a State of Disaster for Columbus County	November 17, 2006
112	Notice of Termination of Executive Order No. 107 by the Governor of the State of North Carolina	November 21, 2006
113	Proclamation of a State of Emergency for Dare County	November 29, 2006

114	Extending Executive Order No. 109 Proclamation of State of Disaster for Jones County and Duplin County	December 9, 2006
115	Amending Executive Order No. 91 Governor's Task Force for Healthy Carolinians	January 5, 2007
116	Termination of Executive Order No. 1, and Designation of Certain State Employees as Covered "Public Servants" Under the State Government Ethics Act	January 26, 2007
117	Amending Executive Order No. 116, Designation of Certain State Employees as Covered "Public Servants" Under the State Government Ethics Act	March 6, 2007
118	Continuity of Operations Planning	June 4, 2007
119	Extending Executive Order No. 77, Teacher Advisory Committee	June 11, 2007
120	Accelerating Teacher and Other Personnel Recruitment and the Implementation of Needed Academic Support Programs for At-Risk Children In Light of Judicial Mandates, Budget Developments, and Impending School Openings	July 12, 2007
121	North Carolina Film Council	July 13, 2007
122	Replacing Executive Order No. 74 Concerning Creation of a Program Office, a Policy Board, and Advisory Committees, to Support Sustainable Natural Resource and Environmental Management in the Albemarle-Pamlico Estuarine System	August 2, 2007
123	Emergency Relief for Damage Caused by Drought	August 28, 2007

January 24, 2007 (See page 6.)

**WESTERN ALAMANCE HIGH SCHOOL NAVY JUNIOR ROTC,
ELON, NORTH CAROLINA**

Libby Lamm
Nicky Mullins
Kathryn Ransom
Rebecca Rutzen
Arthur Schultz

Colonel Vincent C. Giani, Retired, United States Marine Corps
Senior Naval Science Instructor

SENATE COMMITTEE ASSIGNMENTS**COMMITTEE STANDING MEETING TIME/ROOM****AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES****Tues/Thurs-544 LOB-11:00 AM**

Chairman	Senator Albertson
Vice Chairman	Senator Allran
Vice Chairman	Senator Atwater
Vice Chairman	Senator Cowell
Vice Chairman	Senator Kinnaird
Vice Chairman	Senator Swindell
Vice Chairman	Senator Weinstein
Members	Senators Bingham, Brock, Brown, Clodfelter, East, Hartsell, Jenkins, Jones, Preston, Queen, Smith, Snow, Tillman

APPROPRIATIONS/BASE BUDGET**Tues/Wed/Thurs-643 LOB-8:30 AM**

Co-Chairman	Senator Dalton
Co-Chairman	Senator Garrou
Co-Chairman	Senator Hagan
Vice Chairman	Senator Albertson
Vice Chairman	Senator Dannelly
Members	Senators Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clodfelter, Cowell, Dorsett, East, Foriest, Forrester, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kerr, Kinnaird, Malone, McKissick, Nesbitt, Pittenger, Preston, Purcell, Queen, 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
Members	Senators Berger of Rockingham, East, Hoyle, Shaw

APPROPRIATIONS ON EDUCATION/HIGHER EDUCATION**Tues/Wed/Thurs—414 LOB—8:30 AM**

Senior Chairman	Senator Swindell
Co-Chairman	Senator Boseman
Co Chairman	Senator Stevens
Members	Senators Foriest, Hartsell

APPROPRIATIONS ON EDUCATION/PUBLIC INSTRUCTION**Tues/Wed/Thurs—328 LOB—8:30 AM**

Senior Chairman	Senator Malone
Co-Chairman	Senator Queen
Members	Senators Nesbitt, Preston, Tillman

APPROPRIATIONS ON GENERAL GOVERNMENT AND INFORMATION TECHNOLOGY**Tues/Wed/Thurs—1124 LB—8:30 AM**

Co-Chairman	Senator Cowell
Co-Chairman	Senator Dorsett
Members	Senators Brock, Graham, Hunt, Kerr, Smith

APPROPRIATIONS ON HEALTH AND HUMAN SERVICES**Tues/Wed/Thurs—422 LOB—8:30 AM**

Co-Chairman	Senator Berger of Franklin
Co-Chairman	Senator Purcell
Members	Senators Blake, Dannelly, Forrester, Goss

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
Members	Senators Apodaca, Bingham, Brunstetter, Rand

APPROPRIATIONS ON NATURAL AND ECONOMIC RESOURCES**Tues/Wed/Thurs—423 LOB—8:30 AM**

Chairman	Senator Weinstein
Vice Chairman	Senator Albertson
Members	Senators Brown, Jacumin, Jones, McKissick

COMMERCE, SMALL BUSINESS AND ENTREPRENEURSHIP**Tues/Thurs—1027 LB—11:00 AM**

Chairman	Senator Soles
Vice Chairman	Senator Hoyle
Vice Chairman	Senator Rand

COMMERCE, SMALL BUSINESS AND ENTREPRENEURSHIP

(continued)

Members**Tues/Thurs-1027 LB-11:00 AM**

Senators Apodaca, Berger of Franklin,
 Berger of Rockingham, Blake,
 Boseman, Dalton, Dorsett, Foriest,
 Forrester, Garrou, Goodall, Goss,
 Graham, Hagan, Hunt, Jacumin, Kerr,
 Malone, McKissick, Nesbitt, Pittenger,
 Purcell, Shaw, Stevens

EDUCATION/HIGHER EDUCATION**Senior Chairman****Wed-423 LOB-12:00 NOON**

Senator Swindell

Co-Chairman

Senator Boseman

Co-Chairman

Senator Stevens

Members

Senators Allran, Berger of
 Rockingham, Bingham, Cowell,
 Foriest, Garrou, Hartsell, Hoyle, Hunt,
 Jenkins, Malone, McKissick, Purcell,
 Rand

EDUCATION/PUBLIC INSTRUCTION**Senior Chairman****Wed-415 LOB-10:00 AM**

Senator Malone

Co-Chairman

Senator Queen

Members

Senators Apodaca, Berger of Franklin,
 Brown, Dalton, Dannelly, Dorsett,
 Forrester, Goodall, Goss, Graham,
 Hagan, Jones, Nesbitt, Preston, Smith,
 Snow, Swindell, Tillman

FINANCE**Co-Chairman****Tues/Wed-544 LOB-1:00 PM**

Senator Clodfelter

Co-Chairman

Senator Hoyle

Co-Chairman

Senator Kerr

Vice Chairman

Senator Hartsell

Vice Chairman

Senator Shaw

Members

Senators Albertson, Allran, Apodaca,
 Atwater, Berger of Rockingham, Blake,
 Boseman, Brock, Brown, Brunstetter,
 Cowell, Dalton, Dannelly, Garrou,
 Goodall, Goss, Hagan, Hunt, Jenkins,
 Kinnaird, McKissick, Nesbitt,
 Pittenger, Preston, Purcell, Queen,
 Rand, Smith, Soles, Stevens, Swindell,
 Tillman, Weinstein

FINANCE SUBCOMMITTEE ON CAPITAL AND INFRASTRUCTURE**FINANCING****Chairman****Members****Upon Call of Chairman**

Senator Clodfelter

Senators Brunstetter, Cowell, Hartsell,
Hoyle, Kerr, McKissick, Soles, Stevens**HEALTH CARE****Co-Chairman****Co-Chairman****Vice Chairman****Vice Chairman****Vice Chairman****Members****Wed-544 LOB-11:00 AM**

Senator Bingham

Senator Purcell

Senator Dorsett

Senator Foriest

Senator Forrester

Senators Allran, Atwater, Berger of
Franklin, Blake, Brunstetter,
Dannelly, Hagan, Hartsell, Hoyle,
Jacumin, Jones, Kinnaird, Malone,
Nesbitt, Rand**INFORMATION TECHNOLOGY****Co-Chairman****Co-Chairman****Vice Chairman****Members****Upon Call of Chairman**

Senator Cowell

Senator Dorsett

Senator Graham

Senators Apodaca, Berger of Franklin,
Berger of Rockingham, Brock, Foriest,
Goss, Hartsell, Kerr, Pittenger, Queen**JUDICIARY I (Civil)****Chairman****Vice Chairman****Vice Chairman****Vice Chairman****Members****Tues/Thurs-1027 LB-10:00 AM**

Senator Nesbitt

Senator Berger of Rockingham

Senator Clodfelter

Senator Soles

Senators, Albertson, Boseman, Brock,
Brown, Brunstetter, Cowell, Graham,
Hoyle, Jenkins, Kinnaird, Malone,
McKissick, Rand, Stevens, Tillman**JUDICIARY II (Criminal)****Chairman****Vice Chairman****Vice Chairman****Vice Chairman****Members****Tues/Thurs-1124 LB-10:00 AM**

Senator Hartsell

Senator Allran

Senator Berger of Franklin

Senator Jones

Senators Apodaca, Atwater, Bingham,
Dalton, Dannelly, Dorsett, East,
Goodall, Jacumin, Kerr, Queen, Snow,
Swindell

MENTAL HEALTH/YOUTH SERVICES**Wed-414 LOB-12:00 Noon**

Co-Chairman	Senator Atwater
Co-Chairman	Senator Kinnaird
Vice Chairman	Senator Nesbitt
Members	Senators Dannelly, Forrester, Jacumin, Preston, Purcell, Shaw, Snow

PENSIONS, RETIREMENT & AGING**Upon Call of Chairman**

Co-Chairman	Senator Dalton
Co-Chairman	Senator Garrou
Co-Chairman	Senator Hagan
Members	Senators Albertson, Atwater, Bingham, Brock, Clodfelter, Cowell, Dorsett, East, Foriest, Forrester, Jenkins, Malone, Nesbitt, Purcell, Queen, Stevens, Swindell

RULES AND OPERATIONS OF THE SENATE**Upon Call of Chairman**

Chairman	Senator Rand
Vice Chairman	Senator Dalton
Members	Senators Albertson, Apodaca, Atwater, Berger of Rockingham, Brock, Brunstetter, Clodfelter, Dorsett, Forrester, Hartsell, Hoyle, Jones, Kinnaird, Nesbitt, Soles, Stevens, Swindell, Weinstein

STATE & LOCAL GOVERNMENT**Tues-1027 LB-12:00 Noon**

Co-Chairman	Senator East
Co-Chairman	Senator Graham
Vice Chairman	Senator Dorsett
Members	Senators Albertson, Apodaca, Berger of Rockingham, Blake, Boseman, Brunstetter, Clodfelter, Hartsell, Jones, Malone, McKissick, Queen, Smith, Soles, Stevens

TRANSPORTATION**Wed-1027 LB-11:00 AM**

Chairman	Senator Shaw
Vice Chairman	Senator Goss
Vice Chairman	Senator Jenkins

TRANSPORTATION

(continued)

Members**Wed-1027 LB-11:00 AM**

Senators Berger of Rockingham,
Brown, Cowell, East, Goodall, Graham,
Hunt, Kerr, McKissick, Preston, Queen,
Snow, Soles, Stevens, Swindell,
Tillman, Weinstein

WAYS AND MEANS**Chairman****Vice Chairman****Members****Upon Call of Chairman**

Senator Dannelly
Senator Weinstein
Senators Albertson, Allran, Atwater,
Forrester, Hartsell, Hoyle, Hunt,
Jenkins, Kerr, Malone, Swindell

SELECT COMMITTEES**SELECT COMMITTEE ON EMPLOYEE HOSPITAL AND MEDICAL
BENEFITS****Chairman****Members****Upon Call of Chairman**

Senator Rand
Senators Apodaca, Atwater, Clodfelter,
Cowell, Dannelly, Forrester, Garrou,
Hagan, Hoyle, Stevens

SELECT COMMITTEE ON GOVERNMENT AND ELECTION REFORM**Co-Chairman****Co-Chairman****Members****Upon Call of Chairman**

Senator Clodfelter
Senator Rand
Senators Bingham, Berger of
Franklin, Berger of Rockingham,
Boseman, Cowell, Dannelly, Goss,
Jones, Nesbitt, Soles, Stevens

**JOINT SELECT COMMITTEE ON ECONOMIC DEVELOPMENT
INCENTIVES****Co-Chairman****Co Chairman****Members****Upon Call of Chairman**

Senator Foriest
Senator Hoyle
Senators Brunstetter, Clodfelter,
Cowell, Hagan, Hartsell, Jenkins, Kerr,
Malone, McKissick, Soles

**JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS &
DISASTER MANAGEMENT RECOVERY****Upon Call of Chairman****Co-Chairman**

Senator Nesbitt

Vice Chairman

Senator Boseman

Vice Chairman

Senator Malone

MembersSenators Apodaca, Atwater, Brown,
Dorsett, Goss, Hartsell, Jenkins, Jones,
Kerr, Preston, Rand, Snow

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
General Counsel	Will Polk
Legislative Assistant	Anne Canady
Office Manager	Effie Jackson
Policy Director	Mike Arnold
Scheduler	Carol Young
Director of Public Liaison	Donice Harbor
Constituent Outreach Liaison	Alicia Johnson
Security	Trooper Jeff Rowan Trooper Gary Simpson

OFFICE OF THE PRESIDENT *PRO TEMPORE*

President <i>Pro Tempore</i>	Marc Basnight
Chief of Staff	Amy Fulk
General Counsel	Tonya Williams
Budget Director	Rob Lamme
Director, Constituent Services	Suzell Crosswhite
Director, Citizen and Government Affairs	Angela Talton
Director, Boards and Commissions	Lea Dunn Tackett
Director, Special Projects	Chris Dillon
Director, Communications	Schorr Johnson
Director, Member Services and Legislative Research	Mary King
Director, Hispanic and Latino Affairs	Matty Lazo-Chadderton
Assistant Director for Communications and Citizens Affairs	Tony Caravano
Environmental Analyst	Katie Hall

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	Amy Bason
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
Assistants	Marty Carrara
	Jacob Daniel
	Wade Finch
	Charlotte Johnston
	Joan Jones
	Shirley Parker
	Mary Elizabeth Smith
	Peggy Telfair
	Wayne White

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
Stanley Johnson	Rochester White
Charles Marsalis	Leslie Wright
Mary Perry	Robert Young

OFFICE OF LEGISLATIVE ASSISTANTS

Director	Joyce Hodge
Assistant to Director	Delta Prince
Page Coordinator	Jennifer Cameron-Vanzego
Page Supervisor	Dorothy Sabow

READING CLERK

Ted Harrison

SENATE LEGISLATIVE ASSISTANTS

Irma Avent-Hurst	Jones	
Dee Bagley	Weinstein	Appropriations on Natural and Economic Resources

Jessica Bennett	Nesbitt	Judiciary I (Civil) Joint Select Committee on Emergency Preparedness & Disaster Management Recovery
Gail Bishop	Garrou	Appropriations/Base Budget Pensions & Retirement and Aging
Janet Black	Brock	
Airen Blaine	Apodaca	Deputy Minority Leader
Lorraine Blake	Purcell	Appropriations on Health and Human Services Health Care
Janet Blalock	Soles	Democratic Caucus Chair Commerce
Rebecca Butler	Snow	Appropriations on Justice and Public Safety
Wilma Caldwell	Substitute	
Phyllis Cameron	Dorsett	Appropriations on General Government and Information Technology Information Technology
Karen Campbell	Boseman	Appropriations on Education/Higher Education Education/Higher Education
Mary Watson Cannon	Forrester	
Suzanne Castleberry	Preston	
Judy Chriscoe	Bingham	Health Care
Genie Clark	Brunstetter	
Sara Clapp	P. Berger	Republican Leader
Marjorie Connor	Substitute	
Evelyn Costello	Rand	Majority Leader Rules and Operations of the Senate Select Committee on Employee Hospital and Medical Benefits Select Committee on Government and Election Reform
Brian Dalton	Dalton	Appropriations/Base Budget Pensions & Retirement and Aging
Bernie David-Yerumo	Lucas	Majority Whip Appropriations on Education/Public Instruction Education/Public Instruction
Cindy Davis	McKissick Albertson	Democratic Caucus Secretary Agriculture/Environment/Natural Resources

Kathy Davis	Hunt	
Jonathan Ducote	Snow	Appropriations on Justice and Public Safety
Andrew Dugan	Garrou	Appropriations/Base Budget Pensions & Retirement and Aging
Barbara Eldridge	P. Berger	Republican Leader
Mona Fitzgerald	Soles	Democratic Caucus Chair Commerce State and Local Government
Anita Flintall	Graham	
Elaine Funderburk	Substitute	
Cindy Garrison	Cowell	Appropriations on General Government and Information Technology Information Technology
Carolyn Gooden	Jenkins	Appropriations on Department of Transportation
Susanne Gunter	Brown	
Peggy Halifax	Pittenger	
Yvonne Hall	Tillman	Republican Whip
Cody Hand	P. Berger	Republican Leader
Evelyn Hartsell	Kerr	Finance
Becky Hedspeth	Purcell	Appropriations on Health and Human Services Health Care
Barbara Hocutt	Substitute	
Dee Hodge	Dannelly	Deputy President <i>Pro Tempore</i> Ways & Means
Laura Holt-Kabel	Boseman	Appropriations on Education/Higher Education Education/Higher Education
Claudette Howell	Malone	Appropriations on Education/Public Instruction Education/Public Instruction
Mo Hudson	Swindell	Appropriations on Education/Higher Education Education/Higher Education
Kary Isenhour	Jacumin	
Gerry Johnson	Hartsell	Judiciary II (Criminal)
Patti Johnson	Jenkins	Appropriations on Department of Transportation
Sherry Johnson	Cowell	Appropriations on General Government and Information Technology Information Technology

Wanda Joyner	Clodfelter	Finance Finance Subcommittee on Capital and Infrastructure Financing Select Committee on Government and Election Reform
Blair Keen Anna Kidd Mary King Maria Kinnaird	Smith Blake Basnight Kinnaird	President <i>Pro Tempore</i> Appropriations on Justice and Public Safety Mental Health & Youth Services
Linda Laton	D. Berger	Appropriations on Health and Human Services
Joan Leatherman	Soles	Democratic Caucus Chair Commerce
Barbara Lee Jan Lee	Shaw Nesbitt	Transportation Judiciary I (Civil) Joint Select Committee on Emergency Preparedness & Disaster Management Recovery
Darrell Malcolm DeAnne Mangum Nikki McDougald Bonnie McNeil	P. Berger Kerr Shaw Malone	Republican Leader Finance Transportation Appropriations on Education/Public Instruction Education/Public Instruction
Melissa Midgette	Hagan	Appropriations/Base Budget Pensions & Retirement and Aging
Joyce Miles Daladier Miller	Substitute Garrou	Appropriations/Base Budget Pensions & Retirement and Aging State and Local Government
Ann Misenheimer Sarah Murphy Lisa Nelson	East Substitute Hagan	Appropriations/Base Budget Pensions & Retirement and Aging
Teresa Nichols Barbara O'Sullivan	Brown Dalton	Appropriations/Base Budget Pensions & Retirement and Aging
Claudette Parrish	Nesbitt	Judiciary I (Civil) Joint Select Committee on Emergency Preparedness & Disaster Management Recovery
Sherry Pearson	Dorsett	Appropriations on General Government and Information Technology Information Technology

Barbara Perryman	Substitute	
Alexis Pugh	Jones	
Nancy Pulley	Goss	
Jackie Ray	Foriest	Joint Select Committee on Economic Development Incentives
Carol Resar	Atwater	Mental Health & Youth Services
Kleist Rhodes	Stevens	Appropriations on Education/Higher Education
Jennifer Riggins	Clodfelter	Education/Higher Education Finance Finance Subcommittee on Capital and Infrastructure Financing Select Committee on Government and Election Reform
Sylvia Sears	Kerr	Finance
Elizabeth Slocum	Goodall	
Ericka Shearin	D. Berger	Appropriations on Health and Human Services
Sara Sheppard	Queen	Appropriations on Education/Public Instruction Education/Public Instruction
Harriette Smith	Hagan	Appropriations/Base Budget Pensions & Retirement and Aging
Janet Sommer	Hoyle	Finance Joint Select Committee on Economic Development Incentives
Vickie Spears	Weinstein	Appropriations on Natural and Economic Resources
Burwell Stark	Smith	
Judy Tardiff	Rand	Majority Leader Rules and Operations of the Senate Select Committee on Employee Hospital and Medical Benefits Select Committee on Government and Election Reform
Lucille Thompson	Substitute	
Carole Walker	Allran	
Dot Waugaman	Boseman	Appropriations on Education/Higher Education Education/Higher Education
Rebecca Wood	Purcell	Appropriations on Health and Human Services Health Care

Penny Williams	Hoyle	Finance Joint Select Committee on Economic Development Incentives
Anne Wilson Sarah Wilson	Substitute Queen	Appropriations on Education/Public Instruction Education/Public Instruction
Kathie Young	Kinnaird	Appropriations on Justice and Public Safety Mental Health & Youth Services
Beva Zevgolis	Queen	Appropriations on Education/Public Instruction Education/Public Instruction

SENATE INTERNS 2007 SESSION

Nikeita Ashe	Kinnaird
Kristen Bell	Dorsett
Daniel Brunstetter	Brunstetter
Nicholas Byrne	Hoyle
Jim Ceresnak	East
Christine DiPietro	Pittenger
Elizabeth Dobson	Hartsell
Jeffery Dodson	Dorsett
Thomas Doucette	Foriest
Sara Elsayed	Foriest
Luke Farley	Brock
Hawa Fully	Lucas
Michael Grant	Jones
Sade Graves	McKissick
Linden Guinn	Dannelly
Brooke Hammond	Garrou
Mary Beth Hamrick	Brown
Kristy Hartman	Apodaca
Hannah Hawley	Swindell
Hayes Holderness	Stevens
Andrew Huff	Dorsett
Adam Keith	D. Berger
Michael Kelly	Cowell
Kaitlin Kubinsky	Goodall
Lauren Ledbetter	Hoyle
Adam Levy	Brown/Preston
Jennifer Lundy	Bingham/Tillman
Matthew Lewis	Basnight
Jess MacDonald	Boseman
Joyce McClain	Albertson
Nicole McGuinness	Brunstetter

Ryan Minto	Pittenger
Larry Moye	Kerr
Tan Ngo	Hagan
Sarah Owen	Jacumin
Wilson Quick	Weinstein
Stephanie Robinson	Graham
Taejin Ryu	Atwater
Salil Suparna	Basnight
Benton Sawrey	Apodaca
Ericka Shearin	D. Berger
Andrew Silverman	Hagan
Leland Slade	Hagan
Devin Smith	Dalton
Jason Smith	Snow
Nathan Smith	Goss
Phillip Smith	Bingham
Amanda Stanley	Goss
Jennifer Stuck	Forrester
Alex Terry	Rand
Nicolas Tosco	Clodfelter
Marco Valenti	Hunt/Preston
Allycia Whitman	Rand
Jennifer Williams	Blake
Julia Watts	Boseman
Hayley Wood	P. Berger
Rebecca Wood	Purcell
James Wright	P. Berger

SENATE CHAPLAIN

The Reverend Mike Morris

SENATE TAX COUNSELSabra Faires

**SENATE PAGES
2007 SESSION**

Elizabeth Abbott, Raleigh
Ben Abele, Yanceyville
Elise Abele, Yanceyville
Hannah Acuff, Spruce Pine
Sonia Ali, Concord
(Pakistan)
Lauren Allen, Raleigh
James Allison, Statesville
Drew Ammons, Wake Forest
Max Ammons, Wake Forest
Blake Anderson, Canton
Morgan Anderson, Charlotte
Sarah Anderson, Selma
Rose Andrade, Wendell
(Brazil)
Bianca Anthony, Ahsokie
Deidre Arndt, Clinton
Will Atwater, Chapel Hill
Alex Babbitt, Statesville
Katherine Bakewell, Wilmington
Katie Barbour, Clayton
Tracie Barnes, Raleigh
Fritz Barnewolt, Raleigh
Terese Barrett, Eagle Springs
Karmen Barringer, Charlotte
Jordan Baskett, Raleigh
C. Jadon Bass, Raleigh
Darion Battle, Whitakers
Jonathan Beasley, Edenton
Samantha Beavers, Holly Springs
Robbie Bell, Louisburg
Kyle Benedict, Old Fort
Zoe Bennet, Pinehurst
Jordan Berger, Gastonia
Charlie Bergman, Gastonia
Jacob Berrier, Salemburg
Brittany Berry, Spring Lake
Christian Berry, Hickory
Ja' Mei Bess, Raleigh
Taylor Bess, Mount Holly
Ruth Bibby, Garner
Glenn Bitler, Raleigh
Mary Morgan Bitler, Raleigh
Will Black III, Raleigh
Curran Blackwell, Wilson
Paul Blake IV, Wilson
Nic Blayney, Oriental
Brad Booker, Kernersville
Phillip Bouche, Cary
Jasmine Bowers, Charlotte
Jaynee Boyd, Belhaven
Gregory Boyer, Jr., Mount Olive
Doli Bozinova-Campbell,
Aberdeen
Kevin Bradley, Raleigh
Rachel Bradley, Greensboro
Bo Brandt, Raleigh
Forrest Brandt, Raleigh
Laura Brenner, Pinehurst
Danielle Bringard, Wilmington
Brittany Brittain, Pisgah Forest
Ashley Brown, Greensboro
Claire Brown, Clayton
Dara Brown, Raleigh
Vincent Brown, Durham
Jowette Brown-Holmes, Smithfield
Allison Bryant, Nebo
Ashley Bryant, Clayton
Buddy Bryson, Browns Summit
Anna Bullard, Rocky Mount
Brooke Burleson, Lumberton
Camay Butler, Raleigh
Jordan Butler, Fayetteville
Vinnie Cannon, Concord
Chelsey Carelas, Cary
Rebekah Caroway, Garner
Stacy Caroway, Jr., Garner
James Carpenter, Raleigh
Emily Carr, Morehead City
Candace Carter, Laurinburg
Stanley Carter, Salemburg
Heather Cavanaugh, Bessemer City
Sterling Cave, Cary
Andrea Chambliss, Durham

Maddie Chandler, Burlington	Hana Doran, Winston-Salem
Abbie Christoph, Mebane	Lindsay Dozier, Charlotte
Karen Chung, Cary	Will Drake, Raleigh
Tori Churchill, Carrboro	Baxter Draughn, Gastonia
Hannah Clark, Rocky Mount	Thomas Driver, Greensboro
Jasmine Clark, Raleigh	Laura Droege, Durham
Matthew Clark, Raleigh	LaRoy Dubois II, Greensboro
Tatia Clark, Rich Square	Chemin Duffey, Cary
Swazoo Claybon III, Lakeland, Tennessee	Emily Dunn, Greensboro
Betsy Scott Clifton, Nashville	Nash Dunn, Asheboro
Justin Clinard, Charlotte	David Dupont, Greensboro
Lauren Cloninger, Cherryville	David Eick, Cary
Lindsey Cloninger, Belmont	John Eick, Cary
McKinley Cobb, Fairview	Danielle Elliot, Morrisville
Ashley Colavito, Clayton	Franciska Elliott, Durham
Ashlyn Congdon, High Point	Fredaricka Elliott, Durham
Jeremiah Coogan, Wake Forest	Allison Ellis, Gastonia
Peter Coogan, Wake Forest	Ellen Elmore, Goldsboro
Rachel Cooley, Raleigh	Katlyn Eloshway, Faison
Hal Cooley III, Raleigh	Andrew Epperson, Camden
Bianca Cooper, Grifton	Polly Etters, Kings Mountain
Diondra Cooper, Durham	Grace Farmer, Arapahoe
William Cooper III, Fayetteville	Leah Farr, Roaring Gap
Grace Cowan, Rutherfordton	Alex Fatheree, Rocky Mount
Coleman Cox, Kinston	Hector Faulk, Wilmington
Alexis Craghead, Charlotte	Chauncey Feimster, Gastonia
Callie Crain, Spindale	Philip Fennel, Jr., Durham
Emily Creech, Smithfield	Tamra Fisher, Cary
Nicki Creech, Selma	Julia Flagler, Wilmington
Connor Crews, Greensboro	Alex Fleming, Wilson
Allison Croft, Thomasville	Ashley Flynt, Stokesdale
Worth Crowley, Kernersville	Chelsea Flynt, Greenville
David Cummings, Pinehurst	Zach Fountain, Cary
Elisabeth Curtis, York, South Carolina	Justin Foxx, Charlotte
Joshua Dale, Youngsville	Brittney Frazier, Raleigh
Kathryn Daniel, Blanch	Kirby Frennea, Winson-Salem
Hayden Davis, Spindale	Sarah Friedman, Greensboro
Marah Davis, Cherryville	Elle Fulenwider, Morganton
Ryan Davis, Nashville	Virginia Fulenwider, Morganton
Logan Dawson, Goldsboro	Stedman Gage, Wilmington
Madison Dennis, Elizabethtown	Rachel Gallimore, Asheboro
Hannah Diggs, Burlington	Krissy Garmon, Gastonia
Sarah Dinkins, Mocksville	Presley Garrison, Goldsboro
Corey Dobbins, Raleigh	Caison Gaskins, Cary
	Michael Gehrke, Greensboro
	Abbey Gensch, Belmont

Devin Gerney, Raleigh
Jasmine Gibson, Raleigh
Ruth Gibson, Asheville
Cheryl Gilliam, Fairview
Caitlin Gillis, Greensboro
Dylan Gilroy, Cary
Jackson Gladden, Wallace
Candace Goreman, Clayton
Cortney Graham, Charlotte
Nicole Graham, Charlotte
Elsbeth Grant, Chapel Hill
Sidney Grantham, Raleigh
Thomas Gravitt, King
Holly Green, Bladenboro
Canaan Grier, Charlotte
Randy Griggs, Raleigh
Christopher Grijalva, Salemburg
Jordan Grimes, Kinston
Michelle Grimes, Pikeville
Katherine Grimshaw, Raleigh
Jay Grisette III, Goldsboro
Karlen Guyton, Havelock
Kirsten Guyton, Havelock
Ivy Hageman, Kill Devil Hills
Derrick Hall, Salemburg
Toya Hall, Durham
Kristen Ham, Greensboro
Mark Hamblin, Jr., Washington
Brice Hamby, Greenville
Leah Handermann, Asheville
Mary Rebecca Harakas, Gastonia
Jimbo Hardison V, Winston-Salem
Kia Harper, Fayetteville
Caroline Harrison, Fayetteville
Katherine Hartman, Hendersonville
Bayly Hassell, Greensboro
Leslie Hassell, Elizabeth City
Worth Hathaway, Wilmington
Chris Hawthorne, Raleigh
Kathleen Hayes, Wilmington
Molly Haynes, Statesville
William Heathcote, Raleigh
Hope Hemby, Clayton
Kirk Hemingway, Clayton
Katelyn Hennis, Holly Springs
Tenise Henson, Raeford

Meredith Hermann, Raleigh
Allison Hill, Fuquay-Varina
Lisa Hill, Rocky Mount
Mary Hill, Rocky Mount
Sarah Hinton, Elon
Shamika Hodge, Knightdale
April Hodges, Emerald Isle
Ryan Hodges, Wilkesboro
Will Hodgkins, Cherryville
Jennifer Hodshon, Cary
Christina Hodson, Burlington
Theron Hollar, Crossnore
Sarah Holmes, Mocksville
Laura Holst, Wilmington
Danya Holtzman, Durham
Nathan Honaker, Raleigh
Steven Horne, Gastonia
Lauren Hovis, Pfafftown
Hannah Howard, Morehead City
Jasmine Hunter, Wade
Nika Hurst, Raleigh
Olivia Hyatt, Marshville
Adara Ingram, Fayetteville
Ashley Irvin, Greensboro
Allie Isaacson, Greensboro
Audrey Iwerks, White Lake
Brittney Jackson, King
Rick Jackson, Burlington
Madeline Jaekle, Greensboro
Vriti Jain, Chapel Hill
Jessie Jenkins, Raleigh
Marleena Jenkins, Bryson
Seth Jenks, Clayton
Kristen Johnson, Ivanhoe
Samantha Johnson, Marion
Shantelle Johnson, Raleigh
Adrienne Johnston, Greensboro
Aaron Jones, Cary
Morgan Jones, Angier
Sean Jones, Fayetteville
Lydia Joslin, Raleigh
Claire Judd, Greensboro
Ivy Jump, Morganton
Sarah Kaminer, Mars Hill
David Kaminski, Stanley
A Reum Kang, Wilson

(South Korea)	Torie Lucas, China Grove
Keila Kearney, Henderson	Joshua Ludwig, Wake Forest
Eli Kendall, Kelly	Grant Ludwig III, Raleigh
Thomas Kenna, Jr., Raleigh	Megan Luke, Kill Devil Hills
Jennifer Keys, Boomer	Britany Lynn, Cary
Alisha Khan, China Grove	Eric Lyons, Durham
Joseph Kilburn, Raleigh	Jasmine MacDonald, Cary
David King, Rutherfordton	Annie Mack, Greensboro
Deona King, Durham	Bill Mallett, Newton
Luke Kinsey, Greensboro	Carter Malmo, Winston-Salem
Courtney Kivett, Liberty	Meghan Maness, Cramerton
Lorna Knick, Raleigh	Kirstin Mann, Rocky Mount
Kelsey Knight, Wake Forest	Blake Marchese, Goldsboro
Barrett Knowles, Fayetteville	Brittany Marshall, Raleigh
Shiori Kobayashi, Clayton	Kim Martinez, Statesville
(Japan)	Ashley Mashaw, Mount Holly
Kimberly Koenig, Raleigh	Abbott Matthews, Wilson
Michael Koenig, Raleigh	DeQuane Maynor, Garland
Stephanie Kopelic, Concord	Erin McBrayer, Raleigh
Lucia Kopyarova, Fuquay-Varina	Jenna McBrayer, Raleigh
(Slovakia)	Lee McCollum, Raleigh
Bozena Kusovac, Charlotte	Alice McCusker, High Point
(Montenegro)	Ben McDonald, Selma
Kimpton Langford, Salisbury	Daniel McIntyre II, Wilmington
Hannah Larson, Murphy	Caroline McKay, Garner
Kenneth Lathan, Raeford	Cherrelle McKnight, Lillington
Asia Leathers, Charlotte	Caitlin McLamb, Raleigh
Ellen Ledbetter, Greensboro	Alexandria McLaurin, Fayetteville
Emily Ledbetter, Bessemer City	Brittany McMahan, Morganton
Melissa Lehman, Raleigh	Lizzie McMahan, Morganton
Hannah Leonard, Tabor City	Cassie McMillan, Chapel Hill
Masha Lepekhina, Wilson	Lindsay McNair, Raleigh
(Russia)	Meg McNeill, Greensboro
Kenley Lesak, Concord	Katie McPherson, Gibsonville
D.J. Lester, Timberlake	Kate McRae, Laurinburg
Ariel Lewis, Raleigh	Meghan Meeks, Wilkesboro
Hannah Lewis, Fuquay-Varina	Greyson Mitchell, Cary
Melita Lewis, Winton	Alex Moehring, Cary
Andray Lineberger, Gastonia	Jenna Moehring, Cary
Jason Lipscomb, Salemburg	David Mok-Lamme,
Alyssa Littlefield, Greensboro	Grand Junction, Colorado
Bruno Lobo, Clayton	Shalon Hunter Monroe, Hickory
(Brazil)	Kyle Montgomery, Winston-Salem
Jamie Loflin, Jamestown	Arrington Moore, Nashville
Edward Loftis, Hamlet	George Moore, Winston-Salem
Kate Lucas, Raleigh	Allie Morris, Winston-Salem

Victoria Morrow, Laurinburg	Jason Riley, Charlotte
Amber Nead, Newport	Ashley Roland, Asheville
Jessica Nguyen, Fayetteville	Trillian Roper, Middlesex
Brittany Nicholson, Murphy	Tristany Roper, Middlesex
Matt Nivens, Charlotte	John Rose, Cary
Landon Nobles, Raleigh	Allen Rowe, Rocky Mount
Holly Norris, Wilmington	Beau Rowe, Hickory
Emily Northington, Goldsboro	Andrew Rowland, Raleigh
Caitlin Oakley, Concord	Sherie Royster, Durham
Juarez Ogbuneka, Charlotte	Mary Rudolf, Greensboro
Ian O'Gorman, Clayton	Carina Saavedra, Raleigh
Matthew O'Neill, Clemmons	Kelsey Sabo, Hendersonville
Lauren Opdyke, Greensboro	Elizabeth Safrit, Kannapolis
Regina Oralkova, Princeton (Czech Republic)	Larry Sampson II, Goldsboro
AJ Osbahr IV, Hickory	Kateah Sapp, Marion
Ryan Owens, Albemarle	Nathan Saunders, Durham
Tiffany Owens, Durham	Tiffani Sawyer, Wake Forest
Cliff Owl III, Murphy	Olivia Schoeff, Hendersonville
Brittney Palmer, King	Jasmine Scott, Albemarle
Joe Parrish, Timberlake	Kim Scott, Cary
Jessica Peacock, Raleigh	Elise Seay, Greensboro
Joy Peebles, Raleigh	Sarah Shanks, Graham
Emily Pendergrass, Oxford	Hussein Sharafi, Fayetteville
Ashley Penny, Raleigh	Kontrice Shaw-Lester, Fayetteville
Ashwin Peres-Da-Silva, Carrboro	Beth Shawley, Waxhaw
Dominique Perry, Raleigh	Cora Shull, Greensboro
Emmie Perry, Wake Forest	Renee Shull, Greensboro
Drew Phifer, Raleigh	Emily Sigmon, Conover
Alex Phillips, Durham	Kara Simpson, Gastonia
Candi Pigford, Garner	Rachel Skulkety, Dallas
Derek Pinkerton, Moravian Falls	Reed Small, Elizabeth City
Ryon Plummer, Greensboro	Rickiea Small, Henderson
Meggan Pollard, Garner	Alicia Smith, Fayetteville
Daniel Pollitt, Chapel Hill	Courtney Smith, Wallace
Elizabeth Priest, Elizabethtown	Daniel Smith, Creedmoor
Chelsea Privette, Durham	Darius Smith, Raleigh
Michelle Pujals, Raleigh	Darya Smith, Rutherfordton
Andrew Purinai, Rocky Mount	Dillon Smith, Stanley
Allie Rawl, Greenville	Harrison Smith, Clayton
Erica Ray, Knightdale	Jessica Smith, Winterville
Ronisha Reid, Charlotte	Nathan Snowden, Morganton
Thomas Rhodes, Jr., Goldsboro	Reid Soles, Greensboro
Jonathan Rhyne, Gastonia	Katy Sorrells, Canton
David Richardson, Winterville	Jackie Sparks, Waynesville
Cody Riffle, Murphy	Lucy Brown Spencer, Gastonia
	Jordan Stallings, Cary

Eric Starling, Cherryville	Kiki Ventour, Knightdale
Myia Stephenson, Rich Square	Erica Vines, Durham
Regina Stepney, Cary	Emerson Voss, Raleigh
Rachelle Stickel, Chapel Hill	Jenna Wadsworth, Selma
Olivia Stinson, Charlotte	Katherine Wadsworth, Selma
Houston Stokes, Denver	Dwayne Wakefield, Jr., Mebane
Shannon Stolt, Sparta	Connolly Walker, Morehead City
Hunter Story, Littleton	Destiny Walters, Charlotte
Kari Strickland, Ellenboro	Adam Walton, Charlotte
Kiers Stricklen, Garner	Sarah Warrick, Mooresboro
Coty Stroud, Trenton	Emily Washburn, Greensboro
Christine Stroup, High Point	Heather Watson, Raleigh
Challie Sullivan, Raleigh	Laura Weatherly, Greensboro
Kenille Sumler, Raeford	James Weaver, Durham
John Summerford, Edenton	Jessica Weaver, Sharpsburg
Nicholas Summerford, Edenton	Kasey Weaver, Rocky Mount
Hailey Sumner, Lumberton	Dillon Webb, Trinity
Ryan Suttles, Valdese	Kim Webb, Fort Bragg
Jon William Sweitzer-Lamme, Durham	Becca Webster, Greensboro
Malia Swift, Bessemer City	Danielle Weigel, Statesville
Georgia Tanner, Goldsboro	Donavan Wells, Raleigh
Aaron Taylor, Roseboro	Hunter Wells III, Wendell
John Taylor, Raleigh	Laura West, Raleigh
Meghan Taylor, Chapel Hill	Alex White, Greenville
Larkin Taylor-Parker, Durham	Terrell White, Gastonia
Alex Thompson, Rutherfordton	Zoe Whiteside, Wilmington
Becca Thompson, Goldsboro	Santana Whitman, Maxton
Dayo Thompson, Raleigh	Olivia Whitt, Clayton
Drew Thompson, Rutherfordton	Carter Whittington, Winston-Salem
Ashley Tinney, Fayetteville	Malissa Wiggins, Goldsboro
Jacob Tobia, Cary	Alyse Wike, Fayetteville
Victoria Touloupas, Burlington	Amber Wike, Fayetteville
Anne Traister, Fletcher	Brea Wilkerson, Durham
Mary Trease, Waxhaw	Carletta Wilkins, Raleigh
Chris Trogdon, Stanley	Matt Wilkins, Chapel Hill
Carisse Turner, Charlotte	Alex Williams, Greensboro
Zach Turner, Raleigh	Branna Williams, North Wilkesboro
Leanna Tyson, New Bern	Christian Williams, Fayetteville
Hans Umana-Lein, Apex	Joshua Williams, Salemburg
Warner Underwood, Goldsboro	Perrinetta Williams, Clayton
Robert Vance, Garner	Vanessa Williams, Youngsville
Jonathon Vandezande, Raleigh	Will Williams IV, Fayetteville
Jan Vasourek, Wendell (Czech Republic)	Taylor Williamson, Wilson
Stephanie Vaughn, Elon	Chelsea Wilson, New Bern
	Amelia Winter, Fayetteville
	Monghany Winters, Raleigh

Chris Wojtyczka, Clayton
(Poland)
Reddin Woltz, Mount Airy
Katie Womble, Cary
Caitlyn Wood, Apex
Jerry Woods III, Hope Mills
Helen Woolard, Kill Devil Hills
Coleman Wright, Elizabeth City

Keefer Wynn, Raleigh
Virginia Yarboro, Goldsboro
Thomas Yarboro, Jr., Goldsboro
Li Zheng, Raleigh
Chelsea Zurl, Wake Forest
Hayden Zurl, Wake Forest

PRESIDENT OF THE SENATE APPOINTMENTS

The following appointments to Boards and Commissions were made during 2007 by The Honorable Beverly Perdue, Lieutenant Governor and President of the Senate.

Appointed Expires

BIOTECHNOLOGY CENTER BOARD OF DIRECTORS

Bylaws-10/17/2000

Ms. Patricia R. Morton	11/27/2007	6/30/2009
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CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

G.S. 143B-273.6; SL93-534

Mr. Jim McCreery	11/27/2007	4/30/2010
Ms. Becky W. Wallace	11/27/2007	4/30/2010

RURAL ECONOMIC DEVELOPMENT CENTER BOARD OF DIRECTORS

Bylaws

Mr. Kent Chavis	9/19/2007
Ms. Keir Morton	9/19/2007
The Hon. Frank Wilson	9/19/2007

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

G.S. 164-35; SL95-236

Mr. Luther T. Moore	10/9/2007	6/30/2009
Mr. Anthony Queen	10/9/2007	6/30/2009

SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION

G.S. 158-8.3

Mr. J. D. Willis	11/27/2007	6/30/2011
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TEACHING FELLOWS COMMISSION

G.S. 115C-363.23

Mr. John Denning	4/4/2007	6/30/2010
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WESTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION

G.S. 158-8.1

Mr. Walter Thomas Alexander	2/28/2007	6/30/2007
(Reappointed)	8/15/2007	6/30/2011

SENATE PRESIDENT PRO TEMPORE APPOINTMENTS

The following appointments and recommendations to Boards and Commissions were made during 2007 by The Honorable Marc Basnight, President *Pro Tempore*.

President *Pro Tempore* Appointments Appointed Expires

21ST CENTURY TRANSPORTATION COMMITTEE (2007)

G.S. 120-19.6(a1); Letter of 10-29-2007-Sen. Rule 31, House Rule 26(a)

The Hon. Terry Bellamy	10/30/2007	12/31/2008
Mr. Richard Blackburn	10/30/2007	12/31/2008
Sen. David W. Hoyle	10/30/2007	12/31/2008
The Hon. R. Samuel Hunt III	10/30/2007	12/31/2008
Sen. S. Clark Jenkins	10/30/2007	12/31/2008
The Hon. Allen Joines	10/30/2007	12/31/2008
Dr. Joseph Monroe	10/30/2007	12/31/2008
Mr. Gregory B. Plemmons	10/30/2007	12/31/2008
Mr. Billy Sewell	10/30/2007	12/31/2008
Sen. Richard Y. Stevens	10/30/2007	12/31/2008
Mr. Lanny Wilson	10/30/2007	12/31/2008
Mr. Stephen P. Zelnak, Jr.	10/30/2007	12/31/2008

HOST STATE COMMITTEE FOR THE 2009 ANNUAL CONFERENCE OF THE SOUTHERN LEGISLATIVE CONFERENCE

G.S. 120-19.6; Sen Rule 31, House Rule 26(a)

Sen. Marc Basnight (Co-Chair)	6/7/2007
Sen. Stan W. Bingham	6/7/2007
Sen. Peter S. Brunstetter	6/7/2007
Sen. Katie G. Dorsett	6/7/2007
Sen. Linda D. Garrou	6/7/2007
Sen. Kay R. Hagan (Resigned)	6/7/2007
Sen. Tony Rand	6/7/2007

ACUPUNCTURE LICENSING BOARD

G.S. 90-453

Mr. David Peters	8/21/2007	6/30/2010
Mr. Andrew A. Prescott	8/21/2007	6/30/2010

AGRICULTURAL FINANCE AUTHORITY

G.S. 122D-4

Mr. Jimmy A. Harrell, Jr.	8/21/2007	6/30/2010
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President *Pro Tempore* Appointments Appointed Expires

ARBORETUM BOARD OF DIRECTORS

G.S. 116-243; SL85-1014

Dr. Paul V. Phibbs	8/21/2007	6/30/2010
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**ADMINISTRATIVE PROCEDURE OVERSIGHT, JOINT
LEGISLATIVE COMMITTEE**

G.S. 120-70.100

Sen. Martin L. Nesbitt, Jr. (Co-Chair)	4/10/2007	1/31/2009
Sen. Peter S. Brunstetter	4/10/2007	1/31/2009
Sen. Janet Cowell	4/10/2007	1/31/2009
Sen. Katie G. Dorsett	4/10/2007	1/31/2009
Sen. Fletcher L. Hartsell, Jr.	4/10/2007	1/31/2009
Sen. John H. Kerr III	4/10/2007	1/31/2009
Sen. William R. Purcell	4/10/2007	1/31/2009
Sen. Richard Y. Stevens	4/10/2007	1/31/2009

ADVISORY BUDGET COMMISSION

G.S. 143-4; SL2006-203 sec. 1; 126

Sen. Walter H. Dalton	2/2/2007	6/30/2007
Sen. Charlie Smith Dannelly	2/2/2007	6/30/2007
Sen. Linda D. Garrou	2/2/2007	6/30/2007
Sen. Kay R. Hagan	2/2/2007	6/30/2007
Sen. Fletcher L. Hartsell, Jr.	2/2/2007	6/30/2007

**ADVISORY COUNCIL ON THE EASTERN BAND OF THE
CHEROKEE**

G.S. 143B-411.1; SL89-727

Sen. Martin L. Nesbitt, Jr.	4/24/2007	6/30/2008
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AGING STUDY COMMISSION

G.S. 120-182

Sen. Vernon Malone (Co-Chair)	11/6/2007	6/30/2009
Sen. Stan W. Bingham	8/7/2007	6/30/2009
Sen. Katie G. Dorsett	8/7/2007	6/30/2009
Sen. James S. Forrester	11/6/2007	6/30/2009
Ms. Judy Pelt	8/7/2007	6/30/2009
Ms. Jean Reaves	11/6/2007	6/30/2009
Sen. A. B. Swindell IV	11/6/2007	6/30/2009

President Pro Tempore Appointments Appointed Expires**AGRICULTURAL DROUGHT RESPONSE (2007), JOINT SELECT COMMITTEE**

G.S. 120-19.6(a1); Letter of 11-26-2007-Sen Rule 31; House Rule 26(a)

Sen. Charles W. Albertson (Co-Chair)	11/26/2007	5/1/2008
Sen. Steve Goss (Co-Chair)	11/26/2007	5/1/2008
Sen. Austin M. Allran	11/26/2007	5/1/2008
Sen. Robert C. Atwater	11/26/2007	5/1/2008
Sen. Stan W. Bingham	11/26/2007	5/1/2008
Sen. Katie G. Dorsett	11/26/2007	5/1/2008
Sen. Anthony E. Foriest	11/26/2007	5/1/2008
Sen. Joe Sam Queen	11/26/2007	5/1/2008
Sen. A. B. Swindell IV	11/26/2007	5/1/2008
Sen. David F. Weinstein	11/26/2007	5/1/2008

ART MUSEUM BOARD OF TRUSTEES

G.S. 140-5.13; SL91-756

Dr. Dudley B. Anderson	8/22/2007	6/30/2009
Dr. Joan Cornoni Huntley	8/22/2007	6/30/2009

AUTISM SPECTRUM DISORDER AND PUBLIC SAFETY (2007), JOINT LEGISLATIVE COMMITTEE

G.S. 120-19.6(a1); Letter of 11-19-2007-Sen Rule 31; House Rule 26(a)

Sen. William R. Purcell (Co-Chair)	11/19/2007	12/31/2008
Sen. Tom Apodaca	11/19/2007	12/31/2008
Ms. Mary Jo Croom	11/19/2007	12/31/2008
Sen. James S. Forrester	11/19/2007	12/31/2008
The Hon. Wayne Goodwin	11/19/2007	12/31/2008
Ms. Claire Greer	11/19/2007	12/31/2008
Ms. Norma Houston	11/19/2007	12/31/2008
Ms. Susan K. McLean	11/19/2007	12/31/2008
Ms. Tracy McPherson	11/19/2007	12/31/2008
Mr. W. David Munday	11/19/2007	12/31/2008
Sen. John J. Snow, Jr.	11/19/2007	12/31/2008
Dr. Michael C. Teague	11/19/2007	12/31/2008

BIOTECHNOLOGY CENTER BOARD OF DIRECTORS

Bylaws-10/17/2000

Dr. Marvin K. Moss	7/20/2007	6/30/2009
Mr. Milton Prince	7/20/2007	6/30/2009
The Hon. Steven Troxler	7/20/2007	6/30/2009

President *Pro Tempore* Appointments Appointed Expires

CAPITAL IMPROVEMENTS, JOINT LEGISLATIVE OVERSIGHT COMMITTEE

G.S. 120-258; SL2002-126 sec. 29.3

Sen. Linda D. Garrou (Co-Chair)	2/6/2007	1/31/2009
Sen. Stan W. Bingham	2/6/2007	1/31/2009
Sen. Daniel G. Clodfelter	2/6/2007	1/31/2009
Sen. Walter H. Dalton	2/6/2007	1/31/2009
Sen. Charlie Smith Dannelly	2/6/2007	1/31/2009
Sen. Kay R. Hagan (Resigned)	2/6/2007	1/31/2009
Sen. S. Clark Jenkins	2/6/2007	1/31/2009
Sen. Richard Y. Stevens	2/6/2007	1/31/2009

CAPITAL PLANNING COMMISSION

G.S. 143B-373; SL91-739

Sen. Janet Cowell	3/15/2007	1/31/2009
Sen. David W. Hoyle	3/15/2007	1/31/2009
Sen. Vernon Malone	3/15/2007	1/31/2009
Sen. Richard Y. Stevens	3/15/2007	1/31/2009

CENTENNIAL AUTHORITY

G.S. 160A-480.3; SL95-458 sec. 4; Bylaws

The Hon. George B. Daniel	8/21/2007	6/30/2011
Mr. Frank Daniels III	8/21/2007	6/30/2011
Mr. Reef C. Ivey II	8/21/2007	6/30/2011
The Hon. Wendell H. Murphy	8/21/2007	6/30/2011
Mr. George Matthew Wood, Jr.	8/21/2007	6/30/2011

CERVICAL CANCER ELIMINATION TASK FORCE

SL2003-176

Sen. Janet Cowell	4/5/2007	4/1/2008
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CHILD CARE COMMISSION

G.S. 143B-168.4; SL91-273

Ms. Magdalena Cruz	8/21/2007	6/30/2009
Ms. Penny P. Davis	8/21/2007	6/30/2009

CHILD FATALITY TASK FORCE

G.S. 7B-1402; SL98-202

Sen. Austin M. Allran	2/21/2007	1/31/2009
Sen. Robert C. Atwater	2/21/2007	1/31/2009
Sen. Stan W. Bingham	2/21/2007	1/31/2009
Sen. Julia C. Boseman	2/21/2007	1/31/2009

President *Pro Tempore* Appointments Appointed Expires

CHILD FATALITY TASK FORCE (continued)

The Hon. Frank E. Emory, Sr.	2/21/2007	1/31/2009
Ms. Elizabeth Froehling	2/21/2007	1/31/2009
Mr. Brett Loftis	2/21/2007	1/31/2009
The Hon. Frank R. Parrish	2/21/2007	1/31/2009
Sen. William R. Purcell	2/21/2007	1/31/2009
The Hon. Michael Welch	2/21/2007	1/31/2009

CHIROPRACTIC EXAMINERS BOARD

G.S. 90-139; SL83-717

Dr. Ronald W. Wahler	8/24/2007	6/30/2010
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CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES

G.S. 113A-251

Mr. Richard P. Coleman	8/21/2007	7/01/2011
Dr. Lloyd V. Hackley	8/21/2007	7/01/2011

CODE OFFICIALS QUALIFICATION BOARD

G.S. 143-151.8; SL95-490

Mr. James D. Kennedy, Jr.	8/21/2007	6/30/2011
Mr. William Rakatansky	8/21/2007	6/30/2011

CONSUMER AND FAMILY ADVISORY COMMITTEE

G.S. 122C-171; SL2006-142 sec. 5

Ms. Marianne Clayter	6/15/2007	6/30/2009
Mr. Bill Cook, Jr.	6/15/2007	6/30/2010

CORRECTIONS, CRIME CONTROL AND JUVENILE JUSTICE, JOINT LEGISLATIVE OVERSIGHT COMMITTEE

G.S. 120-70.93

Sen. Edward W. Jones (Co-Chair)	2/2/2007	1/31/2009
Sen. Eleanor G. Kinnaird (Co-Chair)	10/29/2007	1/31/2009
Sen. Tom Apodaca	2/2/2007	1/31/2009
Sen. Doug Berger	2/2/2007	1/31/2009
Sen. Stan W. Bingham	2/2/2007	1/31/2009
Sen. Daniel G. Clodfelter	2/2/2007	1/31/2009
Sen. John J. Snow, Jr.	2/2/2007	1/31/2009
Sen. A. B. Swindell IV	2/2/2007	1/31/2009

President *Pro Tempore* Appointments Appointed Expires

COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN

G.S. 115C-112.1

Sen. Robert C. Atwater 8/29/2007 6/30/2009

Ms. Shelia Knapp 8/29/2007 6/30/2009

COUNCIL ON THE HOLOCAUST

G.S. 143A-48.1

Dr. Rennie Brantz 8/14/2007 6/30/2009

Ms. Bryna Coonin 8/14/2007 6/30/2009

Ms. Bennett Little Cotten 8/14/2007 6/30/2009

Mr. Raymond Lee Holder, Jr. 8/14/2007 6/30/2009

Mr. Robert Pittenger, Jr. 11/29/2007 6/30/2009

Ms. Marianne Wason 8/14/2007 6/30/2009

DEPARTMENT OF TRANSPORTATION DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES PROGRAM, JOINT LEGISLATIVE COMMISSION

G.S. 120-275; SL2006-261 sec. 5

Sen. Charlie Smith Dannelly (Co-Chair) 11/7/2007 6/30/2009

Sen. Katie G. Dorsett 11/7/2007 6/30/2009

Sen. Malcolm Graham 11/7/2007 6/30/2009

Sen. Fletcher L. Hartsell, Jr. 11/7/2007 6/30/2009

Sen. S. Clark Jenkins 11/7/2007 6/30/2009

DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR

G.S. 84-28.1; SL83-390

Mr. Joe Castro 8/21/2007 6/30/2010

DOMESTIC VIOLENCE, JOINT LEGISLATIVE COMMITTEE

G.S. 120-265; SL2005-356

Sen. Julia C. Boseman (Co-Chair) 2/23/2007 1/31/2009

Sen. Robert C. Atwater 2/23/2007 1/31/2009

Sen. Harris Durham Blake 2/23/2007 1/31/2009

Sen. Don W. East 2/23/2007 1/31/2009

Sen. Malcolm Graham 2/23/2007 1/31/2009

Sen. Jim Jacumin 2/23/2007 1/31/2009

Sen. Edward Walter Jones 2/23/2007 1/31/2009

Sen. John J. Snow, Jr. 2/23/2007 1/31/2009

President Pro Tempore Appointments Appointed Expires

**DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION,
JOINT LEGISLATIVE COMMISSION**

SL2007-323 sec. 7.32.(f); HB1473 sec. 7.32(f)

Sen. Vernon Malone (Co-Chair)	9/26/2007	1/31/2009
Sen. Julia C. Boseman	9/26/2007	1/31/2009
Sen. Charlie Smith Dannelly	9/26/2007	1/31/2009
Sen. Katie G. Dorsett	9/26/2007	1/31/2009
Sen. S. Clark Jenkins	9/26/2007	1/31/2009
Sen. Joe Sam Queen	9/26/2007	1/31/2009
Sen. A. B. Swindell IV	9/26/2007	1/31/2009
Sen. Jerry W. Tillman	9/26/2007	1/31/2009

DROPOUT PREVENTION COMMITTEE

SL2007-323 sec. 7.32.(c)

Mr. William W. Farmer, Jr. (Co-Chair)	9/28/2007	1/31/2008
Ms. Patsy Ray (Co-Chair) (Resigned)	9/28/2007	1/31/2008
Ms. Lisa Daye	9/28/2007	1/31/2008
Ms. Margaret A. Ellis	9/28/2007	1/31/2008
Mr. Johnny Mack Gibbs	11/13/2007	1/31/2008
Dr. Zoe Woodell Locklear	9/28/2007	1/31/2008

E-NC AUTHORITY COMMISSION

G.S. 143B-437.46; SL2003-425 sec. 1

Dr. John W. Bardo	8/21/2007	12/31/2010
Mrs. Dorenda Gatling	11/16/2007	12/31/2009
Mr. Jon R. Hamm	8/21/2007	12/31/2008
Ms. Estelle W. Sanders (Resigned)	8/21/2007	12/31/2009

**EASTERN REGION DEVELOPMENT COMMISSION (FORMERLY:
GLOBAL TRANSPARK DEVELOPMENT COMMISSION**

G.S. 158-35

Mr. J. Richard Futrell, Jr.	8/21/2007	6/30/2011
Mrs. Leigh Harvey McNairy	8/21/2007	6/30/2011

**ECONOMIC DEVELOPMENT, JOINT LEGISLATIVE OVERSIGHT
COMMITTEE**

G.S. 120-70.130; SL2005-241 sec. 7

Sen. David W. Hoyle (Co-Chair)	10/18/2007	1/31/2009
Sen. Harry Brown	10/18/2007	1/31/2009
Sen. Anthony E. Foriest	10/18/2007	1/31/2009
Sen. Linda D. Garrou	10/18/2007	1/31/2009
Sen. S. Clark Jenkins	10/18/2007	1/31/2009
Sen. John J. Snow, Jr.	10/18/2007	1/31/2009

President *Pro Tempore* Appointments Appointed Expires

ECONOMIC INVESTMENT COMMITTEE

G.S. 143B-437.54; SL2002-172 sec. 2.1(a)

Mr. W. Harrell Everett	8/21/2007	1/21/2009
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EDUCATION OVERSIGHT, JOINT LEGISLATIVE COMMITTEE

G.S. 120-70.80

Sen. A. B. Swindell IV (Co-Chair)	1/30/2007	1/31/2009
Sen. Thomas M. Apodaca	1/30/2007	1/31/2009
Sen. Robert C. Atwater	1/30/2007	1/31/2009
Sen. Charlie Smith Dannelly	1/30/2007	1/31/2009
Sen. Katie G. Dorsett	1/30/2007	1/31/2009
Sen. Steve Goss	8/29/2007	1/31/2009
Sen. Kay R. Hagan (Resigned)	1/30/2007	1/31/2009
Sen. Fletcher L. Hartsell, Jr.	1/30/2007	1/31/2009
The Hon. Jeanne H. Lucas (Deceased)	1/30/2007	1/31/2009
Sen. Vernon Malone	1/30/2007	1/31/2009
Sen. Martin L. Nesbitt, Jr.	1/30/2007	1/31/2009
Sen. Richard Y. Stevens	1/30/2007	1/31/2009
Sen. Jerry W. Tillman	1/30/2007	1/31/2009

EMPLOYEE HOSPITAL AND MEDICAL BENEFITS

G.S. 135-38

Sen. Daniel G. Clodfelter	3/8/2007	1/31/2009
Sen. Charlie Smith Dannelly	3/8/2007	1/31/2009
Sen. James S. Forrester	3/8/2007	1/31/2009
Sen. Kay R. Hagan (Resigned)	3/8/2007	1/31/2009
Sen. David W. Hoyle	3/8/2007	1/31/2009
Sen. Tony Rand (Co-Chair)	3/8/2007	1/31/2009

ENERGY POLICY COUNCIL

G.S. 113B-2; SL77-23

Sen. Eleanor G. Kinnaird	3/15/2007	1/31/2009
Sen. Richard Y. Stevens	3/15/2007	1/31/2009

ENVIRONMENTAL MANAGEMENT COMMISSION

G.S. 143B-282; SL91-990

Mr. Stan Crowe	8/22/2007	6/30/2009
Mr. Freddie Harrill	8/22/2007	6/30/2009
Mr. Forrest R. Westall, Sr.	8/22/2007	6/30/2009

President *Pro Tempore* Appointments Appointed Expires

ENVIRONMENTAL REVIEW COMMISSION

G.S. 120-70.41; SL1997-31

Sen. Daniel G. Clodfelter (Co-Chair)	3/8/2007	1/31/2009
Sen. Charlie Albertson (Co-Chair)	3/8/2007	1/31/2009
Sen. Stan W. Bingham	3/8/2007	1/31/2009
Sen. Katie G. Dorsett	3/8/2007	1/31/2009
Sen. James S. Forrester	3/8/2007	1/31/2009
Sen. Eleanor G. Kinnaird	3/8/2007	1/31/2009
Sen. A. B. Swindell IV	3/8/2007	1/31/2009
Sen. David Weinstein, Ex-Officio	3/8/2007	1/31/2009

FORESTRY COUNCIL

G.S. 143B-308; SL89-727

Mr. J. W. Jones	12/17/2007	6/30/2010
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FUTURE OF THE NORTH CAROLINA RAILROAD

G.S. 120-245; SL1999-237 sec. 27.25

Sen. Martin L. Nesbitt, Jr. (Co-Chair)	3/14/2007	1/31/2009
Sen. Linda D. Garrou	3/14/2007	1/31/2009
Sen. Kay R. Hagan (Resigned)	3/14/2007	1/31/2009
Sen. Fletcher L. Hartsell, Jr.	3/14/2007	1/31/2009
Sen. David W. Hoyle	3/14/2007	1/31/2009
Sen. John H. Kerr III	3/14/2007	1/31/2009
Sen. Vernon Malone	3/14/2007	1/31/2009
Sen. Joe Sam Queen	3/14/2007	1/31/2009
Sen. John J. Snow, Jr.	3/14/2007	1/31/2009

FUTURE STRATEGIES FOR NORTH CAROLINA, JOINT SELECT COMMITTEE

G.S. 120-84.6

Sen. Charles W. Albertson	3/8/2007	1/31/2009
Sen. Austin M. Allran	3/8/2007	1/31/2009
Sen. Stan W. Bingham	3/8/2007	1/31/2009
Sen. Julia C. Boseman	3/8/2007	1/31/2009
Sen. Charlie Smith Dannelly	3/8/2007	1/31/2009
Sen. John H. Kerr III	3/8/2007	1/31/2009

GENERAL STATUTES COMMISSION

G.S. 164-12

Sen. Fletcher L. Hartsell, Jr.	11/14/2007	5/31/2009
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President *Pro Tempore* Appointments Appointed Expires**GEOGRAPHIC INFORMATION COORDINATING COUNCIL**

G.S. 143-725; SL2001-359

Mr. John M. Gillis, Jr.	9/5/2007	5/31/2008
Mr. Thomas B Gray, Jr.	9/5/2007	5/31/2008
Mr. Richard N. Taylor	9/5/2007	5/31/2009

GLOBAL TRANSPARK AUTHORITY BOARD OF DIRECTORS

G.S. 63A-3

Mr. Earl F. Brinkley	8/22/2007	6/30/2011
Mr. Reginald Kenan	8/22/2007	6/30/2011
Mr. M. Durwood Stephenson	8/22/2007	6/30/2011

GLOBAL TRANSPARK DEVELOPMENT COMMISSION

G.S. 158-35

Mr. J. Richard Futrell, Jr.	8/21/2007	6/30/2011
Mrs. Leigh Harvey McNairy	8/21/2007	6/30/2011

GOVERNMENT PERFORMANCE AUDIT, JOINT SELECT COMMITTEE

G.S. 120-19.6; Letter of 01-29-2007-House Rule 26(a), Sen. Rule 31

Sen. Daniel G. Clodfelter (Co-Chair)	2/9/2007	12/31/2008
Sen. Fletcher L. Hartsell, Jr. (Co-Chair)	2/9/2007	12/31/2008
Sen. Linda D. Garrou	2/9/2007	12/31/2008
Sen. Malcolm Graham	2/9/2007	12/31/2008
Sen. Kay R. Hagan (Resigned)	2/9/2007	12/31/2008
Sen. S. Clark Jenkins	2/9/2007	12/31/2008
Sen. Martin L. Nesbitt, Jr.	2/9/2007	12/31/2008
Sen. Richard Y. Stevens	2/9/2007	12/31/2008

GOVERNMENTAL OPERATIONS, JOINT LEGISLATIVE COMMISSION

G.S. 120-73

Sen. Charles W. Albertson	3/8/2007	1/15/2009
Sen. Thomas M. Apodaca	3/8/2007	1/15/2009
Sen. Daniel G. Clodfelter	3/8/2007	1/15/2009
Sen. Walter H. Dalton	3/8/2007	1/15/2009
Sen. Tony Foriest, Advisory Member	10/9/2007	1/31/2009
Sen. James S. Forrester	3/8/2007	1/15/2009
Sen. Linda D. Garrou	3/8/2007	1/15/2009
Sen. Steve Goss, Advisory Member	10/9/2007	1/31/2009
Sen. Kay R. Hagan	3/8/2007	1/15/2009

President *Pro Tempore* Appointments Appointed Expires

GOVERNMENTAL OPERATIONS, JOINT LEGISLATIVE

COMMISSION (continued)

Sen. Fletcher L. Hartsell, Jr.	3/8/2007	1/15/2009
Sen. David W. Hoyle	3/8/2007	1/15/2009
Sen. John H. Kerr III	3/8/2007	1/15/2009
Sen. Eleanor G. Kinnaird	3/8/2007	1/15/2009
Sen. Martin L. Nesbitt, Jr.	9/28/2007	1/31/2009
Sen. John J. Snow, Jr.	3/8/2007	1/15/2009
Sen. R. C. Soles, Jr.	3/8/2007	1/15/2009
Sen. Richard Y. Stevens	3/8/2007	1/15/2009
Sen. A. B. Swindell IV	3/8/2007	1/15/2009
Sen. Tony Rand, Ex Officio	3/8/2007	1/15/2009
Sen. Charlie Smith Dannelly, Ex Officio	3/8/2007	1/15/2009

GOVERNOR'S ADVISORY COUNCIL ON AGING

G.S. 143B-180

Mr. Ed Worley	8/7/2007	6/30/2011
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GOVERNOR'S CRIME COMMISSION

G.S. 143B-478; SL91-739

Sen. Edward Walter Jones	3/29/2007	2/28/2009
Sen. John J. Snow, Jr.	3/29/2007	2/28/2009

HEALTH CARE, JOINT LEGISLATIVE OVERSIGHT COMMITTEE

G.S. 120-70.110

Sen. Tony Rand (Co-Chair)	3/13/2007	1/31/2009
Sen. Stan W. Bingham	3/13/2007	1/31/2009
Sen. Katie G. Dorsett	3/13/2007	1/31/2009
Sen. James S. Forrester	3/13/2007	1/31/2009
Sen. Linda D. Garrou	3/13/2007	1/31/2009
Sen. Fletcher L. Hartsell, Jr.	3/13/2007	1/31/2009
Sen. Vernon Malone	3/13/2007	1/31/2009
Sen. William R. Purcell	3/13/2007	1/31/2009

HEALTH INSURANCE RISK POOL

SL2007-532 sec. 1.1; HB 265 sec 1.1

Mr. Johnny L. Dawkins III (Resigned)	10/16/2007	6/30/2010
Ms. Anne Gregory	11/20/2007	6/30/2010

HOME INSPECTOR LICENSURE BOARD

G.S. 143-151.46; SL93-724

Mr. David G. Jones	8/22/2007	6/30/2011
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President *Pro Tempore* Appointments Appointed Expires

HOUSING FINANCE AGENCY BOARD OF DIRECTORS

G.S. 122A-4; SL91-1039

Mrs. Patricia G. Garrett 8/22/2007 6/30/2011

HUMAN RELATIONS COMMISSION

G.S. 143B-391

Mr. Anthony Butler 10/30/2007 6/30/2008

INDIAN AFFAIRS COMMISSION

G.S. 143B-404

Mr. Paul Brooks 8/22/2007 6/30/2009

INFORMATION TECHNOLOGY ADVISORY BOARD

G.S. 147-33.72G; SL2004-129 sec. 2

Dr. Lee M. Mandell 10/18/2007 9/30/2009

Mr. Steve S. Rao 10/18/2007 9/30/2008

**INFORMATION TECHNOLOGY, JOINT LEGISLATIVE OVERSIGHT
COMMITTEE**

G.S. 120-230; SL1999-237 sec. 22(a)

Sen. Vernon Malone (Co-Chair) 4/27/2007 1/31/2009

Sen. Austin M. Allran 4/27/2007 1/31/2009

Sen. Robert C. Atwater 4/27/2007 1/31/2009

Sen. Janet Cowell 4/27/2007 1/31/2009

Sen. Katie G. Dorsett 4/27/2007 1/31/2009

Sen. Kay R. Hagan (Resigned) 4/27/2007 1/31/2009

Sen. Jim Jacumin 4/27/2007 1/31/2009

Sen. Richard Y. Stevens 4/27/2007 1/31/2009

**INHERENTLY DANGEROUS ANIMALS, JOINT LEGISLATIVE
COMMITTEE**

G.S. 120-19.6(a1); Letter of 12-11-2007-Sen Rule 31; House Rule 26(a)

Sen. Edward Walter Jones (Co-Chair) 12/11/2007 12/31/2008

Sen. Austin M. Allran 12/11/2007 12/31/2008

Sen. Stan W. Bingham 12/11/2007 12/31/2008

Sen. Charlie Smith Dannelly 12/11/2007 12/31/2008

**INSTITUTE OF MEDICINE TASK FORCE/STUDY ON SUBSTANCE
ABUSE SERVICES IN NORTH CAROLINA (2007)**

SL2007-323 sec. 10.53A.

Sen. Stan W. Bingham 10/17/2007 1/31/2009

Sen. Tony Foriest 10/17/2007 1/31/2009

Sen. Martin L. Nesbitt, Jr. 10/17/2007 1/31/2009

Sen. William R. Purcell 10/17/2007 1/31/2009

President *Pro Tempore* Appointments Appointed Expires

JUDICIAL STANDARDS COMMISSION

G.S. 7A-375; SL75-956

Mr. Todd Tilley	1/1/2007	12/31/2011
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**JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION
TASK FORCE**

G.S. 143B-216.60; SL95-507 sec. 26.9

Ms Kathryn N. Ahlport	8/22/2007	6/30/2009
Sen. Katie G. Dorsett	8/22/2007	6/30/2009
Sen. James S. Forrester	8/22/2007	6/30/2009
Ms. Gladys D. Lundy	8/22/2007	6/30/2009
Ms. Jo Morgan	8/22/2007	6/30/2009
Sen. William R. Purcell	8/22/2007	6/30/2009
Dr. Rosemary L. Summers	8/22/2007	6/30/2009
Ms. Carolyn T. Tracy	8/22/2007	6/30/2009

LEGISLATIVE ETHICS COMMITTEE

G.S. 120-99

Sen. Daniel G. Clodfelter (Co-Chair)	2/22/2007	1/31/2009
Sen. Harry Brown	2/22/2007	1/31/2009
Sen. Peter S. Brunstetter	2/22/2007	1/31/2009
Sen. Charlie Smith Dannelly	2/22/2007	1/31/2009
Sen. Don W. East	2/22/2007	1/31/2009
Sen. Linda D. Garrou	2/22/2007	1/31/2009
Sen. William R. Purcell	8/7/2007	

(Temporary Appointment Expired)

LEGISLATIVE SERVICES COMMISSION

G.S. 120-31

Sen. Thomas M. Apodaca	4/5/2007	1/31/2009
Sen. Linda D. Garrou	4/5/2007	1/31/2009
Sen. Vernon Malone	4/5/2007	1/31/2009
Sen. Tony Rand	4/5/2007	1/31/2009
Sen. Larry Shaw	4/5/2007	1/31/2009
Sen. R. C. Soles, Jr.	4/5/2007	1/31/2009
Sen. Jerry W. Tillman	4/5/2007	1/31/2009

LICENSE TO GIVE TRUST FUND COMMISSION

G.S. 20-7.5; SL2004-189 sec. 4(b)

Mr. Ken Burkel	8/22/2007	12/31/2009
Mr. William Faircloth	8/22/2007	12/31/2009
Mrs. Jan Frye Hill	8/22/2007	12/31/2009
Mr. Lloyd H. Jordan, Jr.	8/22/2007	12/31/2009

President *Pro Tempore* Appointments Appointed Expires

LOTTERY OVERSIGHT COMMITTEE

G.S. 18C-172; SL2006-225

Dr. William C. Harrison (Co-Chair)	1/9/2007	12/31/2009
Mrs. Annette Carter	1/9/2007	12/31/2009
Mrs. Patricia R. Morton	1/9/2007	12/31/2009

**MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND
SUBSTANCE ABUSE SERVICES COMMISSION**

G.S. 143B-147; SL93-396

Dr. Richard Brunstetter	8/22/2007	6/30/2010
Ms. Pamela D. Poteat	8/22/2007	6/30/2010

**MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND
SUBSTANCE ABUSE SERVICES, JOINT LEGISLATIVE
OVERSIGHT COMMITTEE**

G.S. 120-240; SL2000-83 sec. 2

Sen. Martin L. Nesbitt, Jr. (Co-Chair)	3/27/2007	1/31/2009
Sen. Austin M. Allran	3/27/2007	1/31/2009
Sen. Robert C. Atwater	3/27/2007	1/31/2009
Sen. Janet Cowell	3/27/2007	1/31/2009
Sen. Charlie Smith Dannelly	3/27/2007	1/31/2009
Sen. James S. Forrester	3/27/2007	1/31/2009
Sen. Vernon Malone	3/27/2007	1/31/2009
Sen. William R. Purcell	3/27/2007	1/31/2009
Sen. Larry Shaw	9/5/2007	1/31/2009

MILITARY AFFAIRS ADVISORY COMMISSION

G.S. 127C-1; SL2001-424 sec. 12.1

Sen. John J. Snow, Jr.	8/7/2007	12/31/2007
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NATURAL HERITAGE TRUST FUND BOARD OF TRUSTEES

G.S. 113-77.8; SL95-490

Mr. Samuel P. Douglas	8/22/2007	1/1/2014
Mr. James Robert Gordon	8/22/2007	1/1/2014

NATIONAL HERITAGE AREA DESIGNATION COMMISSION

SL2001-491 sec. 18.4

Sen. John J. Snow, Jr. (Co-Chair)	4/24/2007	12/31/2007
Sen. Martin L. Nesbitt, Jr.	4/24/2007	12/31/2007

President *Pro Tempore* Appointments Appointed Expires

NEW LICENSING BOARDS

G.S. 120-149.6

Sen. Robert C. Atwater	2/20/2007	1/31/2009
Sen. Stan W. Bingham	2/20/2007	1/31/2009
Sen. Fletcher L. Hartsell, Jr.	2/20/2007	1/31/2009
Sen. David W. Hoyle	2/20/2007	1/31/2009
Sen. A. B. Swindell IV	2/20/2007	1/31/2009

NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION (NORTHEAST COMMISSION)

G.S. 158-8.2; SL2007-93

Mr. Ernie Bowden	8/23/2007	6/30/2009
Ms. Elsie Griggs Hollowell-Pugh	8/23/2007	6/30/2009
Mr. Larry Johnson	12/6/2007	6/30/2009
Hon. Richard Eugene Rogers	8/23/2007	6/30/2009
Hon. Robert B. Spivey	8/23/2007	6/30/2009
Mr. David Ray Twiddy	8/23/2007	6/30/2009

NURSING CENTER BOARD OF DIRECTORS

G.S. 90-171.71

Ms. Gail Gribble	8/24/2007	6/30/2009
Ms. Carole Ricker	8/24/2007	6/30/2009

NURSING SCHOLARS COMMISSION

G.S. 90-171.60

Ms. Wanda Boyette	8/24/2007	6/30/2011
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PARKS AND RECREATION AUTHORITY

G.S. 143B-313.1; SL95-456

Mr. Timothy L. Aydlett	8/24/2007	7/01/2010
Mr. H. Boyd Lee	10/30/2007	6/30/2008

PETROLEUM UNDERGROUND STORAGE TANK FUNDS COUNCIL

G.S. 143-215.940; SL91-400

Mr. Michael Barnes	8/28/2007	6/30/2009
Mrs. Anne Coan	8/28/2007	6/30/2009
Mr. Douglas E. Howey	8/28/2007	6/30/2009
Mr. Thomas Mehder	8/28/2007	6/30/2009

PRINCIPAL FELLOWS COMMISSION

G.S. 116-74.41; SL93-321

Mr. Johnny I. Farmer	8/24/2007	6/30/2011
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President *Pro Tempore* Appointments Appointed Expires

PROGRAM EVALUATION OVERSIGHT, JOINT LEGISLATIVE COMMITTEE

SL2007-78; SB-1132

Sen. Daniel G. Clodfelter (Co-Chair)	10/30/2007	1/31/2009
Sen. Fletcher L. Hartsell, Jr. (Co-Chair)	10/30/2007	1/31/2009
Sen. Linda D. Garrou	10/30/2007	1/31/2009
Sen. Malcolm Graham	10/30/2007	1/31/2009
Sen. Kay R. Hagan (Resigned)	10/30/2007	1/31/2009
Sen. S. Clark Jenkins	10/30/2007	1/31/2009
Sen. Martin L. Nesbitt, Jr.	10/30/2007	1/31/2009
Sen. Robert Pittenger	10/30/2007	1/31/2009
Sen. Richard Y. Stevens	10/30/2007	1/31/2009

PUBLIC EMPLOYEE DEFERRED COMPENSATION PLAN BOARD OF TRUSTEES

G.S. 143B-426.24; EO; 95

Mr. Dexter Perry	8/24/2007	6/30/2009
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PUBLIC HEALTH STUDY COMMISSION

G.S. 120-195

Ms. Beth Lovette	11/19/2007	6/30/2009
Ms. Anne Thomas	11/19/2007	6/30/2009

PUBLIC OFFICERS AND EMPLOYEES LIABILITY INSURANCE COMMISSION (POELI)

G.S. 58-32-1; SL91-720

Mr. J. David Walker	8/24/2007	6/30/2011
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PUBLIC SCHOOL FORUM OF NORTH CAROLINA BOARD OF DIRECTORS

Bylaws

Sen. Robert C. Atwater	4/11/2007	1/31/2009
Sen. Charlie Smith Dannelly	4/24/2007	1/31/2009
Sen. Katie G. Dorsett	4/11/2007	1/31/2009
Sen. Jean R. Preston	4/11/2007	1/31/2009

PUBLIC SCHOOL FUNDING FORMULAS (2007), JOINT LEGISLATIVE COMMITTEE

SL2007-345 sec. 5.3; Letter of 11-27-2007-Sen. Rule 31; House Rule 26(a)

Sen. A. B. Swindell IV (Co-Chair)	9/26/2007	12/31/2008
Sen. Harry Brown	9/27/2007	12/31/2008
Sen. Linda D. Garrou	9/26/2007	12/31/2008

President *Pro Tempore* Appointments Appointed Expires

PUBLIC SCHOOL FUNDING FORMULAS (2007), JOINT

LEGISLATIVE COMMITTEE (continued)

Sen. Kay R. Hagan (Resigned)	9/26/2007	12/31/2008
Sen. Fletcher L. Hartsell, Jr.	9/26/2007	12/31/2008
Sen. Edward W. Jones	9/26/2007	12/31/2008
Sen. Vernon Malone	9/26/2007	12/31/2008
Sen. Martin L. Nesbitt, Jr.	9/26/2007	12/31/2008
Sen. Jean R. Preston	9/26/2007	12/31/2008
Sen. Tony Rand	9/26/2007	12/31/2008
Sen. John J. Snow, Jr.	9/26/2007	12/31/2008

RAILROAD BOARD OF DIRECTORS

G.S. 124-6(b)

Mr. Robert F. Bleeker, Jr.	8/24/2007	6/30/2011
Mr. James Dennis Rash	8/24/2007	6/30/2011

RECREATIONAL THERAPY LICENSURE BOARD

G.S. 90C-5; SL85-966

Mr. J. Michael Atkins	11/16/2007	6/30/2010
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ROANOKE ISLAND COMMISSION

G.S. 143B-131.1; SL93-769

Mr. Tod B. Clissold	8/24/2007	6/30/2009
Mr. Moncie L. Daniels	8/24/2007	6/30/2009
Mr. Glenn Eure	8/24/2007	6/30/2009

RULES REVIEW COMMISSION

G.S. 143B-30.1; SL95-490

Mr. Jerry R. Crisp	8/24/2007	6/30/2009
Mr. Jim R. Funderburke	8/24/2007	6/30/2009
Mr. Jeffrey P. Gray	8/24/2007	6/30/2009
Mr. Keith O. Gregory	8/24/2007	6/30/2009
Mr. David Ray Twiddy	8/24/2007	6/30/2009

SEAFOOD AND AQUACULTURE, JOINT LEGISLATIVE COMMISSION

G.S. 120-70.60

Sen. Charles W. Albertson (Co-Chair)	3/15/2007	1/31/2009
Sen. Stan W. Bingham	3/15/2007	1/31/2009
Sen. Jean R. Preston	1/16/2007	1/31/2007
Reappointed	3/15/2007	1/31/2009
Sen. A. B. Swindell IV	3/15/2007	1/31/2009

President <i>Pro Tempore</i> Appointments	Appointed	Expires
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SEAFOOD INDUSTRIAL PARK AUTHORITY

G.S. 113-315.25; SL89-751

Mr. Russell Lee Stetson	8/24/2007	6/30/2009
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SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

G.S. 17E-3; SL93-562

The Hon. Rodney Midgett	8/24/2007	6/30/2009
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SOIL SCIENTISTS LICENSING BOARD

G.S. 89F-4; SL95-414

Mr. James L. Beeson	8/24/2007	6/30/2010
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SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION

G.S. 158-8.3

Mr. James C. Batchelor, Jr.	8/24/2007	6/30/2011
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Dr. Delilah B. Blanks	8/24/2007	6/30/2011
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STATE ADVISORY COUNCIL ON INDIAN EDUCATION

G.S. 115C-210; SL-1084

Sen. John J. Snow, Jr.	3/8/2007	1/31/2009
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STATE BOARD OF EDUCATION'S BUSINESS AND EDUCATION TECHNOLOGY ALLIANCE

G.S. 115C-102.15; SL2002-126 sec. 7.27(a)

Sen. Linda D. Garrou (Resigned)	11/7/2007	7/1/2009
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Sen. Vernon Malone	11/7/2007	7/1/2009
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Dr. Larry Price	11/7/2007	7/1/2009
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Sen. A. B. Swindell IV	12/17/2007	7/1/2009
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Ms. Betty Weycker	11/7/2007	7/1/2009
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Ms. Rita Wyss	11/7/2007	7/1/2009
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STATE BUILDING COMMISSION

G.S. 143-135.25; SL93-561

Mr. John Muter	10/10/2007	6/30/2010
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STATE ETHICS COMMISSION

G.S. 138A-6; SL2006-201 sec. 1

The Hon. John G. Blackmon	4/10/2007	12/31/2008
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Dr. Clarence G. Newsome	1/23/2007	12/31/2010
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The Hon. R. B. Sloan, Jr. (Resigned)	1/19/2007	12/31/2008
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President <i>Pro Tempore</i> Appointments	Appointed	Expires
STATE FIRE AND RESCUE COMMISSION		
G.S. 58-78-1; SL93-155		
Mr. William Aubrey Winn	8/24/2007	6/30/2010
STATE LOTTERY COMMISSION		
G.S. 18C-110; SL2005-344 sec. 1		
Ms. Bridget-Anne Hampden	8/22/2007	12/14/2012
STATE PORTS AUTHORITY		
G.S. 143B-452		
The Hon. Derryl Garner	8/24/2007	6/30/2009
STATE PROPERTY TAX COMMISSION		
G.S. 105-288; SL91-1007		
Mr. Terry Wheeler	8/24/2007	6/30/2011
TEACHER ACADEMY BOARD OF TRUSTEES		
G.S. 115C-296.4; SL95-324 sec. 17.9		
Ms. Dorothy Crowe	8/24/2007	6/30/2011
Ms. Jenny Eakin	8/24/2007	6/30/2011
TEACHING FELLOWS COMMISSION		
G.S. 115C-363.22		
Mrs. Colleen Oliver Lanier	8/24/2007	6/30/2011
Dr. Jane P. Norwood	8/24/2007	6/30/2009
TOBACCO TRUST FUND COMMISSION		
G.S. 143-717; SL2000-147 sec. 3		
Mrs. Susan Thurman Leggett	8/29/2007	6/30/2011
Mr. Al J. Leonard	4/19/2007	6/30/2008
TRANSPORTATION OVERSIGHT, JOINT LEGISLATIVE COMMITTEE		
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Sen. S. Clark Jenkins (Co-Chair)	3/13/2007	1/31/2009
Sen. Philip E. Berger	3/13/2007	1/31/2009
Sen. Julia C. Boseman, Advisory Member	10/23/2007	1/31/2009
Sen. David W. Hoyle	3/13/2007	1/31/2009
Sen. Neal Hunt	3/13/2007	1/31/2009
Sen. John H. Kerr III	3/13/2007	1/31/2009
Sen. Tony Rand	3/13/2007	1/31/2009
Sen. Larry Shaw, Advisory Member	10/23/2007	1/31/2009
Sen. John J. Snow, Jr.	3/13/2007	1/31/2009
Sen. Richard Y. Stevens	3/13/2007	1/31/2009

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Mr. Ken Farmer	8/21/2007	9/30/2011
Dr. David Good	8/24/2007	9/30/2011
Ms. Elsie Siebelink	8/24/2007	9/30/2011

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Mr. Robert Spencer	8/24/2007	1/14/2011
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Mr. Ashley O. Thrift	8/24/2007	6/30/2009
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UTILITY REVIEW, JOINT LEGISLATIVE COMMITTEE

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Sen. David W. Hoyle (Co-Chair)	1/30/2007	1/19/2009
Sen. Charles W. Albertson	1/30/2007	1/19/2009
Sen. Stan W. Bingham	1/30/2007	1/19/2009
Sen. Charlie Smith Dannelly	1/30/2007	1/19/2009
Sen. R. C. Soles, Jr.	1/30/2007	1/19/2009

VOCATIONAL REHABILITATION ADVISORY COUNCIL

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Mr. Mark Ezzell	4/11/2007	6/30/2008
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WELL CONTRACTORS CERTIFICATION COMMISSION

G.S. 143B-301.11

Mr. John Nykamp	10/10/2007	6/30/2010
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WESTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION

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Mr. Mark Burrows	2/14/2007	6/30/2009
Mr. J. W. Davis	8/24/2007	6/30/2011
The Hon. Thomas K. Jenkins	8/24/2007	6/30/2011
Mr. D. Samuel Neill	8/24/2007	6/30/2011
Ms. Wanda J. Proffitt	8/24/2007	6/30/2011

President *Pro Tempore* Appointments Appointed Expires**WILDLIFE RESOURCES COMMISSION**

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Mr. Russell Maughan Hull, Jr.	8/24/2007	6/30/2009
Mr. Wendell Murphy, Jr.	8/24/2007	6/30/2009
Mr. Eugene Price	8/24/2007	6/30/2009
Mr. Robert L. Purcell	8/24/2007	6/30/2009

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Mr. Wesley E. Reid	8/24/2007	6/30/2009
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H 61	Child Restraint Systems/Federal Compliance (S.L. 2007-6.)	321, 365, 386, 406, 510.
H 63	Property Tax - School Capital Leases (S.L. 2007-477.)	527, 1362, 1392, 1480, 1712.
H 73	Improve State Construction Process (S.L. 2007-446.)	916, 1198, 1222, 1256, 1708.
H 78	Burke County Occupancy Tax Amended (S.L. 2007-265.)	1010, 1147, 1162, 1201, 1220, 1257, 1277.
H 89	Oak Island Construction Limitations (H Environment and Natural Resources Com)	467, 1090, 1280, 1311.

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H 91	Registration and Voting at One-Stop Sites (S.L. 2007-253.)	490, 844, 855, 859, 885, 903, 912, 924, 986, 988, 1069, 1090, 1091, 1109, 1192.
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H 93	Transport of Individuals in Wheelchair/Study (Transportation Com)	282.
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H 105	Modify Laws For Desecrating Graves (S.L. 2007-122.)	626, 894, 906, 911, 1016.
H 107	Abandoned Cemeteries (S.L. 2007-118.)	626, 894, 907, 911, 1015.
H 109	Corporate Opt Out Change/Budget Revenue Changes (Conf Com Appointed)	1357, 1373, 1471, 1653, 1654.
H 116	Tissue Bank Accreditation (Appropriations/Base Budget Com)	730, 1160.
H 118	Sex Offenders/Test For Sexually Transmitted Diseases (S.L. 2007-403.)	575, 1149, 1172, 1214, 1701.
H 123	Emergency Department Data Sharing.-AB (S.L. 2007-8.)	274, 365, 386, 406, 510.
H 124	Department of Environment and Natural Resources Embargo Authority for Food or Drink.-AB (S.L. 2007-7.)	224, 365, 387, 406, 510.
H 133	All-Terrain Vehicles for Beach Driving (Transportation Com)	536.
H 135	Motorcycle Manufacturer Plates (S.L. 2007-291.)	940, 982, 1007, 1043, 1071, 1108, 1141, 1157, 1158, 1163, 1328.
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H 150	Every Child Ready to Learn (S.L. 2007-173.)	490, 919, 938, 943, 1051.

H 151	Honor the Town of Zebulon's 100th Anniversary (Res. 8.)	194, 196, 204.
H 162	Apex Condemnation Sunset/Amendments (Finance Com)	480.
H 177	Community College/Participate in Energy Loan Program (S.L. 2007-476.)	480, 1278, 1316, 1337, 1371, 1712.
H 180	Four Oaks Satellite Annexations (S.L. 2007-17.)	404, 544, 563, 583, 588, 595.
H 181	Regulate Golf Carts (S.L. 2007-18.)	404, 544, 563, 584, 588, 595.
H 183	Ban Cell Phone Use by School Bus Drivers (S.L. 2007-261.)	770, 1028, 1058, 1109, 1216.
H 188	Roanoke Rapids/Weldon/Ahoskie Annexations (Finance Com)	405.
H 189	Pyrotechnics Permits By Cities (S.L. 2007-38.)	490, 619, 632, 636, 710.
H 190	Honor Town of Albemarle's 150th Anniversary (Res. 24.)	574, 579.
H 194	Cherokee School Board Terms (State & Local Government Com)	494.
H 197	Special Assistance In-Home Assignments (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	303.
H 203	Johnston County Rabbit Season Extended (S.L. 2007-64.)	303, 848, 860, 868, 877.
H 205	Modify Out-of-State Tuition Exemption (Appropriations/Base Budget Com)	1325.
H 206	Bronze Star Special Plate Changes (S.L. 2007-522.)	1296, 1482, 1508, 1544, 1720.
H 217	Cornelius/Davidson Public Nuisance Ordinance (S.L. 2007-3.)	283, 345, 383, 406, 459.
H 226	Scotland County Additional Occupancy Tax (S.L. 2007-203.)	595, 980, 1000, 1029, 1055, 1067, 1084.
H 232	Strategies for Recovering Textbook Costs (S.L. 2007-275.)	341, 1074, 1103, 1119, 1308.

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H 244	Civil Jury Selection/Equal Challenges (S.L. 2007-210.)	787, 973, 984, 1027, 1120.
H 249	Honor UNC Library Sciences 75th Anniversary (Rules and Operations of the Senate Com)	642.
H 254	Allow Conover to Regulate Golf Carts (S.L. 2007-259.)	341, 1137, 1152, 1189, 1216.
H 257	Streamlined Sales Tax Changes (S.L. 2007-244.)	626, 981, 1002, 1031, 1083, 1190.
H 265	Establish Health Insurance Risk Pool (S.L. 2007-532.)	659, 1199, 1266, 1388, 1409, 1486, 1577, 1722.
H 266	Recreational Vehicles Appurtenance Exemption (Commerce, Small Business and Entrepreneurship Com)	671.
H 267	Alcoholic Beverage Control Law Changes (S.L. 2007-402.)	575, 1501, 1508, 1527, 1577, 1701.
H 274	Street Gang Prevention Act (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	1417.
H 278	All Terrain Vehicles Use in North Topsail Beach (State & Local Government Com)	342.
H 279	Regulation of Golf Carts/North Topsail Beach (S.L. 2007-204.)	342, 1045, 1056, 1067, 1084.
H 280	Transylvania Tax Collector Appointive (Judiciary II Com)	575.
H 291	Sudan (Darfur) Divestment Act (S.L. 2007-486.)	528, 1271, 1277, 1292, 1467, 1714.
H 292	Accelerated Yadkin River Bridge Replacement (S.L. 2007-299.)	814, 1074, 1104, 1163, 1330.
H 296	Sterilization Compensation Study (Health Care Com)	1296.
H 303	New Bern Historic Preservation (S.L. 2007-32.)	283, 612, 622, 629, 637.
H 313	Identify Loan Originator on Deed of Trust (S.L. 2007-176.)	744, 914, 925, 977, 1052.

H 316	Civil Procedure Rule 45 Amended (S.L. 2007-514.)	490, 1237, 1261, 1298, 1319, 1372, 1719.
H 321	Honor Eric Schopler, a Pioneer in the Treatment of Autism (Res. 17.)	328, 343.
H 326	Green Level/Oak Island Satellite Annexations (S.L. 2007-26.)	408, 544, 563, 584, 619, 630.
H 328	Flexible Payment/Law Enforcement Separation (S.L. 2007-69.)	555, 798, 820, 829, 877.
H 341	Proportionality Review (Judiciary II Com)	830.
H 343	Charlotte-Mecklenburg Police Jurisdiction (S.L. 2007-45.)	480, 663, 668, 673, 767.
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H 349	Local School Board Member Removal (S.L. 2007-498.)	744, 1068, 1193, 1223, 1235, 1716.
H 353	Public Health Information Access/HIPAA Clarification (S.L. 2007-115.)	575, 872, 880, 932, 1015.
H 359	Restore Flexibility to the School Calendar (Education/Public Instruction Com)	528.
H 361	Carrboro Special Elections (Held by Senate)	692.
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H 367	Increase Criminal Penalty/Theft of Metals (S.L. 2007-301.)	585, 1038, 1058, 1150, 1330.
H 382	Hemby Bridge Elections (S.L. 2007-101.)	490, 890, 897, 912, 920, 933, 945.
H 384	Community College Law/Technical Changes (Conf Com Appointed)	586, 982, 1004, 1007, 1043, 1064, 1107.
H 398	Spring Lake/Winston-Salem Ordinances (S.L. 2007-319.)	490, 1298, 1311, 1328, 1373.

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H 401	County Water/Sewer District Financing (S.L. 2007-226.)	536, 980, 1021, 1032, 1049, 1164.
H 403	Consultation Required for State Personnel Act Classification Changes (Appropriations/Base Budget Com)	730.
H 406	Adopt State Collard Festival (S.L. 2007-28.)	283, 606, 616, 619, 636.
H 407	Magnolia Extraterritorial Jurisdiction Extended (S.L. 2007-40.)	490, 674, 686, 699, 710, 725.
H 410	Cleveland County School Board Terms (S.L. 2007-49.)	467, 723, 739, 749, 767.
H 414	Metals Products Regulations Amended (Commerce, Small Business and Entrepreneurship Com)	824.
H 424	Study Respite Care (S.L. 2007-39.)	342, 620, 632, 640, 654, 710.
H 429	Canal Dredging Fee/Brunswick Fire Fees (S.L. 2007-335.)	555, 1252, 1262, 1284, 1546, 1548.
H 431	Phase Out Mercury in Childhood Vaccines (Health Care Com)	1296.
H 433	State Food Festival (S.L. 2007-533.)	555, 1504, 1508, 1603, 1722.
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H 435	Honor Town of Indian Trail 100th Anniversary (Res. 10.)	226, 234.
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H 445	Access to Information for Adult Adoptees (S.L. 2007-262.)	744, 1065, 1087, 1097, 1216.
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H 460	Honor East Carolina University 100th Anniversary (Res. 12.)	256, 258.
H 461	Lottery Advertising Compliance Act (Appropriations/Base Budget Com)	814.
H 463	Conservation Tax Credit Modifications (S.L. 2007-309.)	881, 1094, 1107, 1116, 1123, 1331.
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H 469	Reduce Notice Time/Method for Street Closures (State & Local Government Com)	830.
H 472	Roper Elections (State & Local Government Com)	814.
H 483	Chapel Hill Campaign Finance Options (S.L. 2007-222.)	824, 1080, 1100, 1120, 1124.
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H 485	Information On Lawful Abandonment (S.L. 2007-126.)	824, 858, 871, 911, 1016.
H 487	Exemption For Baler Twine From Sales Tax (S.L. 2007-500.)	1146, 1265, 1291, 1306, 1717.
H 488	Alternative Hearing Before School Reassignment (S.L. 2007-501.)	771, 1160, 1206, 1256, 1717.
H 489	Asheville Housing Authority (S.L. 2007-239.)	491, 1080, 1100, 1164, 1190.
H 491	Honor Howard J. Hunter, Jr., Former Member (Res. 29.)	657, 662.
H 502	Repeal Chiropractic Special Provision (S.L. 2007-24.)	480, 549, 566, 579, 630.
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H 508	State Health Plan/Local Government Participation (S.L. 2007-405.)	824, 1395, 1471, 1603, 1702.
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H 510	Ayden Unfit Dwellings (State & Local Government Com)	480.
H 513	Charlotte/Transit Procurements and Contracts (S.L. 2007-205.)	626, 1045, 1056, 1067, 1084.
H 514	Increase Length Limits for Transit Buses (S.L. 2007-499.)	480, 1171, 1206, 1236, 1717.
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H 535	Criminal Background Reviews - EMS Personnel (S.L. 2007-411.)	617, 1027, 1057, 1065, 1253, 1280, 1467, 1703.
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H 548	Brevard Mayor's Four-Year Term (S.L. 2007-65.)	607, 849, 860, 868, 877.

H 550	Modify School Employee Confidentiality Law (S.L. 2007-192.)	771, 946, 971, 1013, 1054.
H 552	Firemen's Relief Fund Immunity (S.L. 2007-54.)	528, 565, 585, 732, 817.
H 554	Assault Disabled Person/Institutional Setting (S.L. 2007-188.)	814, 957, 984, 991, 1053.
H 555	Carrboro/Roanoke Rapids Assessments (S.L. 2007-266.)	626, 1148, 1167, 1201, 1203, 1257, 1277.
H 561	Charlotte Mecklenburg Library Board (State & Local Government Com)	480.
H 562	Morrisville Annexations (S.L. 2007-324.)	491, 1282, 1311, 1333, 1372, 1547.
H 563	Traffic and Personal Safety Changes/Protests (S.L. 2007-360.)	692, 1113, 1139, 1188, 1694.
H 564	Brunswick County Alcoholic Beverage Control Stores Move (S.L. 2007-159.)	408, 645, 664, 841, 856, 956, 984, 1017, 1022, 1027.
H 565	All-Terrain Vehicle Helmet Requirement Exempt/ Property Owners, Lessees and Guests (Health Care Com)	693.
H 568	Garner, Holly Springs, Rolesville, Motor Vehicle Tax (S.L. 2007-73.)	491, 866, 869, 879, 887, 894.
H 571	Cumberland, Harnett, and Moore Counties Fox and Coyote Trapping (S.L. 2007-11.)	405, 498, 511, 530, 543.
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H 581	Meetings of Community College Trustees/Modify Law (S.L. 2007-197.)	586, 983, 1004, 1013, 1055.
H 583	Modify Community College Lateral Entry Process (S.L. 2007-166.)	586, 983, 1005, 1013, 1051.
H 584	Information Technology Services/Employee Background Investigations/Information (S.L. 2007-189.) (Inc. S.L. 2007-323.)	528, 924, 937, 950, 991, 1054.
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H 589	Poultry Products Inspection Act Penalties.-AB (S.L. 2007-361.)	536, 915, 1114, 1152, 1188, 1694.
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H 625	Rename Mental Health/Developmental Disabilities/ Substance Abuse Facilities/Other Changes (S.L. 2007-177.)	815, 925, 938, 977, 1052.
H 627	Extend Pilot/Clarify Local Management Entity Functions/Local Management Entity (S.L. 2007-504.) (Inc. S.L. 2007-323.)	787, 1241, 1281, 1283, 1290, 1467, 1717.

H 628	Uniform Graduated Co-payment - Mental Health/ Developmental Disabilities/Substance (S.L. 2007-410.)	595, 1242, 1299, 1316, 1321, 1337, 1545, 1703.
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H 638	All-Terrain Vehicles/Golf Cart Use for King/Maiden (S.L. 2007-215.)	693, 981, 1000, 1029, 1085, 1097, 1121.
H 642	Community College Performance Standards Amended (S.L. 2007-230.)	787, 983, 1005, 1037, 1049, 1165.
H 645	State Historical Records Advisory Board (S.L. 2007-150.)	825, 913, 925, 932, 1024.
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H 867	Salemburg Property Conveyance (S.L. 2007-20.)	492, 581, 590, 594, 602.
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H 889	License Plate Design Contest (Commerce, Small Business and Entrepreneurship Com)	693.
H 892	Update Licensure Act/Speech Pathologists (S.L. 2007-436.)	901, 1158, 1173, 1214, 1707.
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(Inc. S.L. 2007-323.)450.
- S 199 Accessible Electronic Information Act/Blind/Disabled
(Appropriations/Base Budget Com)
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- S 35 Add Step to Teacher Salary Schedule
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- S 538 Additional Disadvantaged Students Supplemental Funding
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S 1098	Additional Magistrate Funds-Clay and Graham County (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	389.
S 81	Address Infant Deaths Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	88, 113.
S 920	Administrative Funds/Teaching Fellows Program (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	352.
S 521	Adolescent Pregnancy Prevention Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	232.
S 752	Adult Care Homes Star Rating Authorization/Funds (Appropriations/Base Budget Com)	301.
S 108	Adult Protective Services Pilot Program Funds (Appropriations/Base Budget Com)	93, 118, 122, 126.
S 218	Advanced Vehicle Research Center/Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	161.
S 219	Advanced Vehicle Research Center/Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	161.
S 324	African-American Cultural Center Funds (Appropriations/Base Budget Com)	188.
S 598	African-American Summit Funds (Appropriations/Base Budget Com)	263.
S 280	Agribusiness Education Campaign Funds (Appropriations/Base Budget Com)	176.
S 639	Agricultural Curriculum Development Coordinator Funds (Appropriations/Base Budget Com)	268.
S 391	Agricultural Education Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	200.
S 452	Aid to Public Libraries (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	219.
S 1029	Alexander/Wilkes Entrepreneurial Funds (Appropriations/Base Budget Com)	372.
S 274	Amend Meherrin Tribe Name (H Federal Relations and Indian Affairs Com).....	175, 344, 384.
S 945	American Legion Baseball World Series Funds (Appropriations/Base Budget Com)	356.
S 49	Ammonia Refrigeration Program/Sampson Community College (Appropriations/Base Budget Com)	67, 107.

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S 303	Anson County Library Bookmobile Funds (Appropriations/Base Budget Com)	179.
S 771	Appalachian Cultural Museum Funds (Appropriations/Base Budget Com)	312.
S 272	Appalachian State University Land Acquisition Funds (Appropriations/Base Budget Com)	175.
S 277	Appropriations Act of 2007 (Appropriations/Base Budget Com)	175.
S 1237	Arboretum Funds (Appropriations/Base Budget Com)	418.
S 754	Area Agencies on Aging Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	301, 310.
S 550	Arthritis Foundation Funds (Appropriations/Base Budget Com)	249.
S 655	Arts Council Funds (Appropriations/Base Budget Com)	271.
S 705	Ashe Forestry Headquarters Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	294.
S 1194	Asheville Art Museum Funds (Appropriations/Base Budget Com)	404.
S 911	Asheville-Buncombe Technical Community College Funds (Appropriations/Base Budget Com)	351.
S 910	Association for Health Care Access Funds (Appropriations/Base Budget Com)	351.
S 1342	Association of Community Development Corporations Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	435.
S 380	ASU/College of Education Academic Building (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	198.
S 329	At-Risk African-American Students Research Consortium (Education/Higher Education Com)	188.
S 554	Autism Early Intervention Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	250.
S 419	Ayden Community Center Funds (Appropriations/Base Budget Com)	211.
S 1552	BEACON/Data Integration Funds (Appropriations/Base Budget Com)	478, 611, 655.
S 130	BEGINNINGS, Inc. Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	123.

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S 1451	Biodiesel Incentive Fund (Commerce, Small Business and Entrepreneurship Com)	452.
S 520	Birth Defects Monitoring Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	232.
S 372	Bladen Emergency Service Training Center Funds (Appropriations/Base Budget Com)	197.
S 433	Blue Ridge Community College Applied Technology Building Funds (Appropriations/Base Budget Com)	213.
S 137	Bolton Senior and Youth Center Funds (Appropriations/Base Budget Com)	129.
S 1027	Boone Water Funds (Appropriations/Base Budget Com)	371.
S 305	Breast and Cervical Cancer Control Program Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	180.
S 435	Broughton Hospital CT Scanner Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	213.
S 138	Brunswick County Exposition Center Funds (Appropriations/Base Budget Com)	129.
S 1266	Build Community Infrastructure - MH/DD/SA (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	423.
S 1481	Campaign Report Random Audits (Appropriations/Base Budget Com)	458, 792.
S 858	Campbell Folk School Funds (Appropriations/Base Budget Com)	334.
S 1088	Cancer Prevention and Treatment Act 2007 (Appropriations/Base Budget Com)	379, 411.
S 589	Capital Funds for Certain Charter Schools (Appropriations/Base Budget Com)	261.
S 346	Carolina Civic Center Funds (Appropriations/Base Budget Com)	192.
S 1311	Carolina Crossroads Music District Funds (Appropriations/Base Budget Com)	430.
S 1038	Carolina Theatre/Spruce Pine Funds (Appropriations/Base Budget Com)	373.
S 656	Carrboro ArtsCenter Funds (Appropriations/Base Budget Com)	271.
S 1403	Carteret Community College Capital Funds (Appropriations/Base Budget Com)	445.

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S 411	Center for Design Innovation Funding (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	210.
S 1064	Central Carolina Community College Building Funds (Appropriations/Base Budget Com)	377.
S 993	Central Children's Home Funds (Appropriations/Base Budget Com)	363.
S 506	Central Park Funds (Appropriations/Base Budget Com)	229.
S 271	Cerro Gordo Town Hall Funds (Appropriations/Base Budget Com)	175.
S 200	Charlotte Hawkins Brown Museum Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	144.
S 890	Chatham County Council on Aging Funds (Appropriations/Base Budget Com)	339.
S 1063	Chatham Rural Life Museum Funds (Appropriations/Base Budget Com)	377.
S 755	Child Care Subsidy Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	301.
S 682	Child Nutrition Program Funds (Appropriations/Base Budget Com)	279, 485.
S 863	Child Welfare Collaborative Funds (Appropriations/Base Budget Com)	335.
S 1373	Children with Vision Tutorial Funds (Appropriations/Base Budget Com)	440.
S 848	Children's Discovery Center Funds (Appropriations/Base Budget Com)	333.
S 24	Chronic Disease Prevention and Control Funds (Appropriations/Base Budget Com)	60, 103.
S 537	CIAA Tournament Funds (Appropriations/Base Budget Com)	247.
S 1225	Cleveland Community College Capital Funds (Appropriations/Base Budget Com)	416.
S 774	Cleveland Correctional Dormitory Funds (Appropriations/Base Budget Com)	312.
S 1420	Closing the Equity Gap/Increase Homeownership (Appropriations/Base Budget Com)	447.
S 415	Coastal Events Center Funds (Appropriations/Base Budget Com)	211.
S 1247	Coastal River Herring Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	420.

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S 1381	Coastal River Herring Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	441.
S 140	Columbus County Aging/Adult Services Building Funds (Appropriations/Base Budget Com)	129.
S 142	Columbus County Cultural Arts Center Funds (Appropriations/Base Budget Com)	130.
S 139	Columbus County Magistrate Funds (Appropriations/Base Budget Com)	129.
S 504	Communities in Schools Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	229, 349.
S 929	Community Action Agencies Funds (Appropriations/Base Budget Com)	354.
S 1061	Community College Allied Health Program Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	376.
S 1177	Community Conservation Assistance Program Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	401.
S 974	Community Economic Development Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	360, 367, 387, 460.
S 585	Community Health Centers Funds (Appropriations/Base Budget Com)	260.
S 800	Community Health Education Center Funds (Appropriations/Base Budget Com)	316.
S 1249	Community Health Education Center Funds (Appropriations/Base Budget Com)	420.
S 1052	Community-Based Information and Technology System/Vance, Warren and Greene Counties (Appropriations/Base Budget Com)	375.
H 2044	Continuing Budget Authority 2007 (S.L. 2007-145.)	989, 995, 1002, 1003, 1006, 1018, 1019, 1023.
S 804	Contractual Drug/Alcohol Treatment Funds (Appropriations/Base Budget Com)	317.
S 562	COPs for VIPER Funds (Finance Com)	251.
S 1404	Core Sound Waterfowl Museum Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	445.
S 1433	Cost of Living Increase/Mentally Retarded Group Homes (Appropriations/Base Budget Com)	449.

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S 1085	Covenant Prison Ministries Funds (Appropriations/Base Budget Com)	379.
S 1345	Create the Office of Environmental Justice/Funds (Appropriations/Base Budget Com)	436.
S 1523	CSS Neuse Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	473.
S 592	Cumberland County Senior Center Funds (Appropriations/Base Budget Com)	262.
S 1423	Davidson's Fort Historic Park Funds (Appropriations/Base Budget Com)	448.
S 1499	Department of Correction Reentry Funds (Appropriations/Base Budget Com)	465.
S 799	Department of Cultural Resources/Graveyard of Atlantic/Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	316.
S 1415	Develop State Seafood and Marine Industries (Appropriations/Base Budget Com)	446.
S 984	Diabetes Education Funds (Appropriations/Base Budget Com)	362.
S 985	Diabetes Prevention Funds (Appropriations/Base Budget Com)	362.
S 186	District 13 Assistant District Attorney Funds (Appropriations/Base Budget Com)	140.
S 782	District 14 Court Personnel/Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	313, 670.
S 732	District 19A Assistant District Attorney Funds (Appropriations/Base Budget Com)	298.
S 851	District 19A District Court Judge Funds (Appropriations/Base Budget Com)	333.
S 729	District 19A Investigatorial Assistant Funds (Appropriations/Base Budget Com)	297.
S 619	District 20B Court Personnel (Appropriations/Base Budget Com)	265.
S 837	District 22 Family Court Funds (Appropriations/Base Budget Com)	330.
S 131	District 26 Assistant District Attorney Funds (Appropriations/Base Budget Com)	124.
S 1181	District 3A/8 Judicial Personnel Funds (Appropriations/Base Budget Com)	402.
S 1053	District 9 Victim Witness Assistant Funds (Appropriations/Base Budget Com)	375.

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S 828	District 9C District Court Judge Funds (Appropriations/Base Budget Com)	320.
S 1302	Divide Judicial District 24 (Appropriations/Base Budget Com)	429.
S 887	Divide Prosecutorial District 11 (Appropriations/Base Budget Com)	339.
S 1471	Division of Water Quality Salary Adjustment Funds (Appropriations/Base Budget Com)	456.
S 123	Division TEACCH Program Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	122, 137.
S 31	Domestic Violence Appropriations (Appropriations/Base Budget Com)	61, 104.
S 991	Domestic Violence Center Funds (Appropriations/Base Budget Com)	363.
S 500	Domestic Violence Offender Program Funds (Appropriations/Base Budget Com)	229.
S 825	Down Home Documentary Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	320.
S 711	Drag Strip Racing Track Funds (Appropriations/Base Budget Com)	295.
S 697	Drug Treatment Court Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	282.
S 112	E-NC Connectivity Incentives Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	94, 118, 121, 217, 611, 655.
S 756	E. E. Waddell Community Center Funds (Appropriations/Base Budget Com)	302.
S 1244	East Carolina University Dental School Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	419.
S 1455	East Carolina University Indigent Care Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	453.
S 1454	East Carolina University Shared Academic Building/Planning Funds (Appropriations/Base Budget Com)	453.
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S 792	Eastern Science Center Funds (Appropriations/Base Budget Com)	315.
S 671	Eat Smart...Move More Initiative Funds (Appropriations/Base Budget Com)	277.
S 1190	Eblen Center for Social Enterprise Funds (Appropriations/Base Budget Com)	403.
S 1288	Economic Development Funds - Councils of Government (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	426, 507.
S 564	Edgecombe Business/Industrial Incubator Funds (Appropriations/Base Budget Com)	252.
S 791	Edgecombe County Crossing at 64 Funds (Appropriations/Base Budget Com)	315.
S 423	Edgecombe Development Center Funds (Appropriations/Base Budget Com)	212.
S 422	Edgecombe School Suspension Funds (Appropriations/Base Budget Com)	211.
S 420	Edgecombe Sheriff Funds (Appropriations/Base Budget Com)	211.
S 421	Edgecombe Youth Funds (Appropriations/Base Budget Com)	211.
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S 827	Embassy Square Project Funds (Appropriations/Base Budget Com)	320.
S 1501	Endor Iron Furnace Funds (Appropriations/Base Budget Com)	466.
S 1017	Entrepreneurship Funds (Appropriations/Base Budget Com)	370.
S 1450	Environmental Study/White-Water Center/Funds (Appropriations/Base Budget Com)	452.
S 187	Equine Industry Study Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	140.
S 936	Establish a State Education Data Warehouse/Funds (Appropriations/Base Budget Com)	355.
S 1126	Establish Benefit Bank/Funds (Appropriations/Base Budget Com)	393.
H 265	Establish Health Insurance Risk Pool (S.L. 2007-532.)	659, 1199, 1266, 1388, 1409, 1486, 1577, 1722.

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S 843	Establish the Biofuels Center of NC/Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	332, 800.
S 476	Expand Defibrillator Pilot/Study/Funds (Appropriations/Base Budget Com)	222.
S 348	Expansion of Drug/Alcohol Treatment/Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	192.
S 601	Exploris Museum Funds (Appropriations/Base Budget Com)	263.
S 147	Fair Bluff Park and Information Center Funds (Appropriations/Base Budget Com)	130.
S 326	Fairmont Community Center Funds (Appropriations/Base Budget Com)	188.
S 498	Families Supporting Families Funds (Appropriations/Base Budget Com)	228.
S 1448	Farmland Preservation Trust Fund/Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	452.
S 787	Farmville/Greene County Water Funds (Appropriations/Base Budget Com)	314.
S 1186	Fayetteville State University Engineering School (Appropriations/Base Budget Com)	403.
S 1377	Ferry Refurbishment Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	441.
S 965	First Flight Venture Center Funds (Appropriations/Base Budget Com)	359.
S 916	First Step Farm Funds (Appropriations/Base Budget Com)	352.
S 1515	Folklife Institute Funds (Appropriations/Base Budget Com)	472.
S 1039	Folkmoot USA Funds (Appropriations/Base Budget Com)	373.
S 306	Food Bank Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	180.
S 408	Forsyth Emerging Technologies Center Funds (Appropriations/Base Budget Com)	209.
S 136	Franklin Square Gallery Elevator Funds (Appropriations/Base Budget Com)	129.
S 994	Franklin/Women's Shelter Funds (Appropriations/Base Budget Com)	363.

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S 803	Free Online Live Homework Help Program (Appropriations/Base Budget Com)	317.
S 638	Friends of Agriculture and Future Farmers of America Funds (Appropriations/Base Budget Com)	268.
S 672	From This Day Forward Outdoor Drama Funds (Appropriations/Base Budget Com)	278.
S 921	Fully Fund Teaching Fellows Scholarships (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	352.
S 120	Fund Only One School System Per County (Appropriations/Base Budget Com)	99, 137.
S 1072	Funds for NC Commodity Groups (Appropriations/Base Budget Com)	378.
S 1236	Funds to Expand MH/DD/SA System (Appropriations/Base Budget Com)	418.
S 637	Future Farmers of America Center Funds (Appropriations/Base Budget Com)	268.
S 1054	GAP Funding for Toll Road Construction (Appropriations/Base Budget Com)	375.
S 1352	Gap Funding for Turnpike Authority (H Passed Second and Third Reading)	437, 1299, 1315, 1322, 1337.
S 1375	Garner Road YMCA Funds (Appropriations/Base Budget Com)	440.
S 1154	Gaston High School Computer Funds (Appropriations/Base Budget Com)	398.
S 497	Gates High School Roof Funds (Appropriations/Base Budget Com)	228.
S 170	Gateway Gardens Funds (Appropriations/Base Budget Com)	134.
S 809	Gateway Summer Camp Funds (Appropriations/Base Budget Com)	318.
S 1555	Girl Talk Foundation Funds (Appropriations/Base Budget Com)	479.
S 1476	Granville Clerk Funds/Hospital Opening (Appropriations/Base Budget Com)	457.
S 1439	Grassroots Science Museums Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	450.
S 927	Green School Construction Loan Fund/Program (Finance Com)	353.
S 1526	Greene County Justice Center (Appropriations/Base Budget Com)	474.
S 287	Greensboro Natural Science Center Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	177.

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S 268	Guilford Native American Cultural Funds (Appropriations/Base Budget Com)	174.
S 802	Guilford Tech Aviation Center Funds (Appropriations/Base Budget Com)	317.
S 832	Halifax Fire Pump Funds (Appropriations/Base Budget Com)	330.
S 1099	Hawthorn Heights Emergency Shelter Funds (Appropriations/Base Budget Com)	389.
S 1195	Health Adventure Funds (Appropriations/Base Budget Com)	404.
S 109	Health Care Personnel Registry/Funds (Appropriations/Base Budget Com)	94, 118.
S 983	Health Disparities Initiatives (Appropriations/Base Budget Com)	362.
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S 129	Healthy Start Foundation Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	123.
S 1162	Heart of Triad Project Funds (Appropriations/Base Budget Com)	399.
S 826	Henderson Land Purchase Funds (Appropriations/Base Budget Com)	320.
S 128	High-Cost Community College Programs Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	123.
S 746	Historic Cemetery Preservation Funds (Appropriations/Base Budget Com)	300.
S 328	Historic Robeson Funds (Appropriations/Base Budget Com)	188.
S 973	Historical Senate Portraits Funds (Appropriations/Base Budget Com)	360.
S 992	HIV-AIDS Outreach Clinic Funds (Appropriations/Base Budget Com)	363.
S 501	Hobgood Citizens Group Funds (Appropriations/Base Budget Com)	229.
S 59	Home and Community Care Block Grant Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	70, 109.

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S 1165	Home Furnishings Industry Marketing Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	399.
S 594	Housing Funds/Needy Persons (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	262.
S 51	Housing Options for Mentally Ill/Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	67, 108.
S 459	Housing Trust Fund Appropriation (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	220, 292.
S 79	Hunters for the Hungry Funds (Appropriations/Base Budget Com)	80, 112, 344, 383, 778.
S 246	Increase Community College Faculty Salaries (Appropriations/Base Budget Com)	164.
S 286	Increase Funds for Statewide Program for Infection Control and Epidemiology (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	177.
S 663	Increase Home Care Rates, Quality and Retention (Appropriations/Base Budget Com)	272.
S 1487	Increase Legislative Tuition Grants (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	462.
S 1056	Increase State Contractual Scholarship Fund (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	375.
S 891	Independent Colleges and Universities/NC LIVE Funds (Appropriations/Base Budget Com)	340.
S 723	Infrastructure Inventory Funds (Appropriations/Base Budget Com)	296.
S 713	Institute of Medicine Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	295.
S 1113	Instruction in Financial Literacy Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	391.
S 600	Inter-Faith Food Shuttle Funds (Appropriations/Base Budget Com)	263.
S 873	Interact/YWCA Building Renovation Funds (Appropriations/Base Budget Com)	337.
S 198	International Civil Rights Museum (Appropriations/Base Budget Com)	144.

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S 987	Interpreter Services Funds (Appropriations/Base Budget Com)	362.
S 775	Isothermal Community College Funds (Appropriations/Base Budget Com)	312.
S 1127	James K. Polk Historic Site Funds (Appropriations/Base Budget Com)	393.
S 1518	Jeanne Hopkins Lucas Scholarship Fund (H Appropriations Com).....	473, 1103, 1114, 1122, 1139, 1140, 1152, 1175.
H 1761	Job Maintenance and Capital Development Fund (H Rules, Calendar, and Operations of the House Com).....	1297, 1326, 1388, 1472, 1503, 1531, 1594, 1637, 1674, 1682.
S 267	John Coltrane Music Hall Funds (Appropriations/Base Budget Com)	174.
S 100	Johnson and Wales Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	92, 117.
S 956	Judicial Branch Salary Funds (Appropriations/Base Budget Com)	357.
S 578	Judicial District 26 Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	254.
S 42	Justus-Warren Task Force Recommendations (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	65, 106, 323.
S 688	Juvenile Crime Prevention Councils Funds (Appropriations/Base Budget Com)	280.
S 885	Juvenile Placement Funds (Appropriations/Base Budget Com)	339.
S 769	Kannapolis Research Center Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	311.
S 1156	Kids on Guard Program Funds (Appropriations/Base Budget Com)	398.
S 395	Kids Voting Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	201, 209.
S 625	Lake Gaston Noxious Weed Control Funds (Appropriations/Base Budget Com)	266.
S 1289	Lake Junaluska Visitor and Welcome Center Funds (Appropriations/Base Budget Com)	427.

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S 813	Land Loss Prevention Project Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	318.
S 265	Leadership Connections Funds (Appropriations/Base Budget Com)	174.
S 48	Lenoir County Arts Funds (Appropriations/Base Budget Com)	67, 107.
S 1191	Local Management Entities Handle Case Management (Appropriations/Base Budget Com)	403.
S 304	Lockhart-Taylor Center/Food Program Funds (Appropriations/Base Budget Com)	180.
S 315	Louise Wells Cameron Art Museum Funds (Appropriations/Base Budget Com)	186.
S 1307	Low-Emission Vehicles Program/Funds (Commerce, Small Business and Entrepreneurship Com)	429.
S 365	Lumberton Northeast Park Funds (Appropriations/Base Budget Com)	196.
S 262	Malachi House Funds (Appropriations/Base Budget Com)	173.
S 228	Marine Technology Research Vessel Funds (Appropriations/Base Budget Com)	162.
S 1427	Marketing Association Rehabilitation Funds (Appropriations/Base Budget Com)	448.
S 472	Martin Luther King Park Funds (Appropriations/Base Budget Com)	222.
S 597	Mecklenburg Juvenile Detention Funds (Appropriations/Base Budget Com)	262, 462.
S 1062	Medicaid Reimbursement Rate (Appropriations/Base Budget Com)	377.
S 1101	Military Community Grant Funds (Appropriations/Base Budget Com)	389, 507.
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S 1474	Millennium Teacher Scholarship Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	456.
S 1374	Minority Recruitment Pharmacy Schools Funds (Appropriations/Base Budget Com)	440.
S 623	Minority Support Center Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	266.
S 1371	Modify Assistant Principals' Salary Schedule (Appropriations/Base Budget Com)	440.

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S 1463	Modify School Testing and Accountability Program (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	454, 819.
S 1175	Monitor Greenhouse Gas Emissions Funds (Appropriations/Base Budget Com)	401.
S 1084	Monroe Regional Airport Expansion (Appropriations/Base Budget Com)	378.
S 1533	Montgomery Community College Health Sciences Building Funds (Appropriations/Base Budget Com)	475.
S 1536	Motorsports Consortium Funds (Appropriations/Base Budget Com) (Inc. S.L. 2007-323.)	476.
S 1304	Mountain Gateway Museum Study Funds (Appropriations/Base Budget Com)	429.
S 829	Mountain Island Educational State Forest Funds (Appropriations/Base Budget Com)	320.
S 1502	Museum of Life and Science Funds (Appropriations/Base Budget Com)	466.
S 1076	N.C. Legal Education Assistance Funds (Appropriations/Base Budget Com)	388.
S 859	NarTest Systems Funds (Appropriations/Base Budget Com)	334.
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S 1572 Wilmington 1898 Riot	1474.
H 2063 Honor Tuskegee Airmen	1247.
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Co-Sponsor	13, 14, 34, 38, 39, 45, 46, 47, 70, 71, 72, 79, 80, 86, 91, 93, 104, 105, 106, 107, 114, 131, 156, 174, 176, 191, 279, 296, 298, 311, 312, 313, 314, 352, 356, 357, 393, 395, 405, 445, 505, 510, 557, 558, 573, 668, 674, 675, 684, 701, 702, 703, 704, 717, 743, 766, 767, 769, 778, 779, 807, 808, 814, 816, 849, 860, 895, 988, 1012, 1013, 1014, 1047, 1048, 1050, 1082, 1112, 1122, 1317, 1318, 1320, 1322, 1323, 1324, 1325, 1350, 1351, 1386, 1465, 1473, 1508, 1509, 1510, 1550, 1566.
BROWN, SENATOR HARRY	6th District—Jones, Onslow.
Absent of Leave	256.
Certification of Election.....	7.
Committee Assignments—	
Conference	889, 1005, 1231, 1538.
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BRUNSTETTER, SENATOR PETER S...... **31st District—
Forsyth** (part).

Absent of Leave 87, 256, 749, 1047, 1122.

Adjournment Motion—Second.....709.

Certification of Election.....7.

Committee Assignments—

Conference865, 1157.

Standing/Select.....82, 84, 85, 196.

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S 1183 Honor Ben Ruffin568.

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H 941 Brunswick Property Disposition

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H 429 Canal Dredging Fee/Brunswick Fire Fees

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H 1217 Navassa Annexation Agreement

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